United States Court of Appeals

for the Second Circuit

APPENDIX

76-6076

B

United States Court of Appeals

For the Second Circuit

Docket No. 76-6076

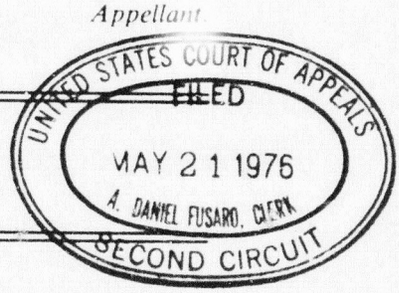
W. J. USERY, Secretary of Labor,
UNITED STATES DEPARTMENT OF LABOR,

Appellee,

against

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Appellant.



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Attorney for Appellant
243 Waverly Place
New York, N. Y. 10014

ROBERT B. FISKE, JR.
United States Attorney for the Southern District of New York
Attorney for Appellee
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New York, N. Y. 10007

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December 22, 1971

International Ballot Committee
Int'l Org'n of Masters, Mates & Pilots
39 Broadway
New York, N.Y., 10006

Mrs. Margaret U. Carlson, Election Director
American Arbitration Association
140 West 51st Street
New York, N. Y.

Dear Sirs and Madam:

In addition to previously challenging all ballots not postmarked, we now challenge all ballots not postmarked to be set aside and, if counted, to be counted separately from all other ballots.

Very truly yours,

Amos Koonce
Lloyd Sheldon
V. Soto
John R. Seybert
H. L. Nereaux
L. Berlingame
Charles A. Hemming

EXHIBIT H

H. [illegible]

[illegible] York, [illegible], 10013

December 23, 19[illegible]

International Ballet Co[illegible]
[illegible] Opera Affiliates, [illegible]
[illegible] Broadway
New York, N.Y.

Gentlemen:

This will confirm the challenge made orally by me to the Committee this morning, on behalf of candidates Shelton, Prince, Norstrand, Hemming, Soto and Marceaux, as regards the decision of the Committee, made after the votes for the three top offices in the former Local 38 had been counted, not to count those ballots that did not have postmarks on the outer envelope. The basis of my objection is concerned with the timing of the decision, the fact that its effect on the candidates was known at the time it was made, and the fact that it constituted a reversal of the decision made and announced earlier by the Committee.

I also objected, and here confirm my objection, to the failure of the Committee to have counted those ballots received after December 21 but mailed and post-marked prior thereto, within the 30-day period prescribed by the International's Constitution; and also to the failure of the Committee to rule upon the ballots challenged and set aside by the counters.

Your attention to these challenges is requested; please advise me promptly of whatever action and/or disposition is made of them.

Very truly yours,

BEST COPY AVAILABLE

EXHIBIT I

December 23, 1971

Inte national Ballot Committee
Int'l Org'n of Masters, Mates & Pilots
29 Broadway
New York, NY.

Dear Sirs and Brothers:

On behalf of Messrs. Sheldon, Keonce, [illegible] Sabo and Moreaux, candidates for office in the [illegible] that was concluded, with the completion of the ballot [illegible] on December 23, 1971, I hereby appeal from the conduct of [illegible] election.

Annexed hereto is a copy of a letter dated December 21, 1971, several copies of which, signed by various candidates [illegible], were delivered to you on that date; the challenges specified therein are incorporated herein as bases for my appeal.

In addition to the specifications given in the December 21, 1971 letter, the following are also bases for this appeal.

1. More than 100 ballots received after December 21 [illegible] and postmarked prior to midnight of December 21 were [illegible] despite protests made by me and by various candidates. As you know, the MMP constitution requires that all such ballots be counted -- and that only those ballots postmarked after the close of the [illegible] election period be excluded from the count.

2. Contrary to the constitutional provisions cited [illegible], the notice sent to voters unequivocally instructed them that ballots received after midnight of December 21 would not be counted and this notice misled many members into the belief that it was or would be futile to send in their ballots on the last or near to the last day of the 90-day period.

3. Several hundred ballots were challenged by the scrutineers or were set aside as possibly subject to challenge and these ballots have never been counted; moreover, they have never been looked upon, nor have candidates or other persons been advised as to what the various challenges are or how many ballots are involved in each possible challenge; as a result, many ballots that should be counted were left uncounted.

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EXHIBIT J

4. No check was made regarding the ballots cast by members of Inland Locals, specifically, by members of Locals ## 4, 5, 14 and 24, of the dues status and eligibility of voters to vote, despite demand made for such a check by several candidates and other members and despite the rqquirements of constitunional provisions Section 3, Article VI, International Constitution. In view of the indiscriminate mailing-out of ballots to persons not eligible to vote, revealed by the large number of ballots received from such ineligible voters, it is apparent that this failure to check may have affected the outcome of theelection.

5. Candidates in ports other that New York were misinformed by the International Organization's official ;notice of election as to the manner by which election material would be distributed; specifically, the notice told them that such material would be distributed by local mailing agencies, when in fact they were required to distribute such material through the AAA facilities in New York City; additionally, the requirement that such distribution be carried out through New York City imposed and unfair and discrimimtory burden upon candidates and infringed their rights to have such distribution by mail carried out.

6. After the ballot count from the New York Branch, former Local 33, had been completed as to the three top jobs and it was known that the incumbents had been re-elected according to such count, one of these by the thin margin of only ten votes (and this for the top job in the New York Branch, which carried with it election as Vice President-Atlantic of the Offshore Division), the International Ballot Committee, reversing its prior rulings and or indications of rulings, directed that ballots not postmarked should not be counted; as a result, several hundred ballots properly cast, 148 of which were cast by members of the New York Branch, were left uncounted.

7. The violation complained of in paragraph 6 above was further a violation for the reason that, subsequent to the challenge made by several candidates as to non-postmarked ballots, it was learned that substantial numbers of envelopes come thoought the post office un-postmarked despite the provisions of Section 332.32 of the Postal Manual, and this information was known to the agency conducting the election.

8. Candidates other than Sheldon, and in particular candidates other than those on his slate, were denied the opportunity to reply to the partisan campaign literature published by the [illegible] on behalf of the incumbents, specifically the so-called "Newsletter"; so that these candidates were denied even the limited benefit of a late opportunity to reply. This basis for appeal is hereby advanced on behalf of candidate Robert George Vance.

EXHIBIT J

9. Officers and representatives of the International Organization and Offshore Division, qualified for [illegible], and in particular those in ports [illegible] of [illegible] Local 14 and its [illegible] Mr. M. Johnson, [illegible] and individual members into delivering and turning over to them unmarked ballots with their signatures on the return envelopes.

This appeal is sent to you in a good faith attempt to exhaust all remedies reasonably available to the members (including Mr. Vance) on whose behalf the appeal is made. If their are any other appellate remedies available to them or to me within the International Organization, or if any other or different method of appeal is required or any other or different step required to be taken in order fully to exhaust such remedies, please immediately so advise me.

Very truly yours,

EXHIBIT J

Additional:

A. Candidate Robert Boyle [illegible], a "third party" (or [illegible]) candidate for International President, was given double publicity by the officials: in the Election supplement, his name, picture and statement were published to all the members and then, in a "special election supplement" mailed to all members at union expense, his name and an additional statement were published. Plainly, this "special election supplement" was campaign literature published on his behalf; union moneys, received by way of dues and other assessments, were expended thereon, and the material so published discriminatorily advanced his candidacy in opposition to the opposition candidacy of candidate Sheldon and persons allied with him.

B. A letter from an Undersecretary of the Commerce Department Hamed Blackwell was obtained by the incumbent officials and published by them as campaign literature in support of their candidacies; the said letter counter-acted and cast aspersions upon leaflets published by opposition candidates challenging the policies imposed upon the IOMM&P's pension plan.

EXHIBIT J

January 5, 1972 4703

Certified / RRR

International Ballot Committee
Int'l Org'n of Masters, Mates & Pilots
39 Broadway
New York, N.Y.

Gentlemen:

This letter is sent by me as attorney for Lloyd Sheldon, Amos Koonce, Charles Norstrand, Charles Hemming, Victor Soto and Henry Hereaux, each of them a member of IOMM&P and a candidate in the recently-concluded election for officers of IOMM&P and its Offshore Division. On behalf of each of the above-named persons, I confirm and repeat the election protests, challenges and appeals previously made by each of them and/or by myself on their behalf. In particular, I confirm and repeat the protests, challenges and appeals stated in the letter of December 21, 1971, copies of which signed by various candidates (including several of the above-named) were submitted to you on that date; I also confirm and repeat the protests, challenges and appeals made orally by me and/or by each of the above subsequent to the count of ballots regarding the failure and refusal of the Ballot Committee to count or to authorize or direct the counting of ballots which bear no postmarks on their outer envelopes and the Committee's failure and refusal to count or to authorize or direct the counting of ballots which, though mailed before the close of the 90-day period, were received after the period had ended. In regard to both these categories of ballots, I draw your attention to Article V, Section 8(f) of the IOMM&P Constitution, which provides that all ballots mailed within the 90-day period should, if cast by eligible voters, be counted and that only those ballots which are postmarked later than the closing date are void.

In regard to all the above appeals, and on behalf of all the persons named above, I request that you advise me promptly as to any and all appellate remedies available to me and/or to any of the above-named persons, within either the IOMM&P or its Offshore Division. I likewise request that you promptly advise me of any procedural or other error committed by me or by any of the above in the submission of any such protest, challenge or appeal, and of any remedy that still remains to me and/or to any of the above-named.

It is my understanding, based upon what was told me by the Committee and by its counsel, Marvin Schwartz, Esq., that the submi-

EXHIBIT K

of the December 21, 1971 letter to you on that date constitutes full exhaustion of all [illegible] to each of the complainants (including the persons above-named) as to each of the challenges, protests and appeals raised in that letter. It is my further understanding that the oral and written challenges, protests and appeals made by myself and by various of the members (including the persons above-named) other than those contained in the December 21, 1971 letter, which were made either on December 21, 1971 or on any subsequent date at a hearing or conference with the Ballot Committee, likewise, constituted and constitutes full exhaustion of such remedies. In the event that this understanding is in any way incorrect I request that you immediately so advise me. Unless so advised, I shall assume that the understanding set forth above is correct.

Very truly yours,

EXHIBIT K

Jan 6, 1972

Challenge made to International Ballot Committee during ballot count at AAA on Jan 6, 1972

A challenge any decision by the Ballot Committee or any other duly constituted authority that denies the Constitutional ~~right~~ and/or legal right of any eligible member of IOMM 2P to have his ballot counted if same was cast in accordance with the International Constitution and/or controlling federal law.

Floyd M Sheldon

/s/ Charles E Hemming

December 27, 1971

The Ballot Committee
International Organization of Masters,
Mates & Pilots
39 Broadway
New York, New York 10006

Mrs. Margaret U. Carlson, Election Director
The American Arbitration Association
140 West 51st Street
New York, New York 10020

Dear Sirs and Madam:

Re:(Election IOMM&P 9/21/71 - 12/21/71)

This letter concerns the ballot enevelopes (approximately one hundred and forty) which were challenged on December 22, 1971, because they had not been cancelled by the Postal Service. My reasons for challenging these ballot envelopes were based on the following:

First, please refer to my letter of December 7, 1971, addressed to Mr. Donald Straus, President, American Arbitration Association, in which I mentioned the possibility of two complete sets of ballots having been printed in Baltimore and that this had to be taken into consideration as the printer involved had apparently done a considerable amount of work for our union in the past including the printing of campaign literature by and for the incumbent officials.

It is also my understanding that no representative of the American Arbirtration Association was present at the time of the actual printing to supervise the printing of these ballots and that the printer has a close personal relationship with some of the incumbent officials of the IOMM&P. My colleagues and I, therefore, view this whole situation with a great deal of skepticism as if two sets of ballots were printed at that time, then the obvious intention of those in possession of them would be to use them in a manner best suited to their purposes.

At this juncture, I would like to bring to your attention the following excerpt from a recent article (copy enclosed) in the New York Times:"....rackets on the piers are controlled primarily by three organized crime groups, according to Federal, state and commission investigators. The Mafia families headed by Carlo Gambino and Gerardo Catena, respectively, control most of the Brooklyn and New Jersey piers...these underworld elements are said to exert their influence on the waterfront through cooperative dock workers and union officials...Mr. Davitt charged that the agency had under way no active investigation of any of the four leading officials of the waterfront unions who, he said were members of the Carlo Gambino, Mafia family. He identified the four as Anthony Scotto, President of Local 1814, International Longshoremen's Association, Anthony Anastasia, Secretary-Treasurer of the ILA Local 761, John Scotto, President of ILA Local 1702 and Joseph Colozzo, then president of ILA Local 1277....."

As you are aware it is common knowledge that organized crime has infiltrated many legitimate businesses, including banking institutions, and with the IOMM&P now a small part of this ILA Union the possibility of organized crime influencing this election should be taken into consideration.

EXHIBIT M

We were also given to understand that the American Bank & Trust Company of 301, East Fordham Road, Bronx, New York 10458, had never transacted any business with the American Arbitration Association prior to this current election, but the reasons for which it was chosen by the person/s making this choice has not been clarified to our satisfaction.

On October, 21, 1971, I wrote to the Postmaster of the United States Post Office, Bronx, New York 10451, requesting that all ballots received at the Fordham Station at 189th Street and Park Avenue, Bronx, New York, 10458, should be stamped to show that these envelopes had passed through the postal system. The Postmaster, Mr. Frank J. Viola, in his reply to me dated November 1, 1971, stated: "Every effort will be made to see that all mail addressed to the American Arbitration Association, c/o Safe Deposit Vault, American Bank & Trust Company, 301 East Fordham Road, Bronx, New York 10458, arriving at the Fordham Station 10458 without a postmark is postmarked before delivery to the addressee....."

This was a very definite commitment on the part of this Postmaster, and on the strength of this statement I challenged every ballot that was received without a postmark. I should, however, like to point out to you that other possibilities definitely exist for the lack of the postmarks on the approximately (140) challenged ballots received:

1. That the ballot enevelopes without the postmark did not pass through the postal system, in which case they are probably fraudulent.

2. This post office did not cancel the envelopes due to the heavy influx of Christmas mail.

3. That the ballot envelopes were received prior to my written request.

In view of the above I would like to request:

1. That these ballot envelopes (approximately 140) be subjected to a most careful scrutiny, the signature of each to be checked by a handwriting expert/s for possible forgeries. If any are found they are to be promptly referred to the Federal authorities.

2. Ballots in envelopes bearing valid signatures should be tallied to see whether they change the result of the election, and if such is the case - new problems arise.

3. If and when these ballots (approximately 140) are checked, I would like to remind you that each and every ballot is supposed to bear a time-stamp. For your information Captain Robert Nelson stated in a conversation with me on December 22, 1971, that Mrs. Margaret U. Carlson had marked the ballots in a manner known only to her.

I trust the above will enable you to determine in as short a time as possible the validity of the approximate 140 (one hundred and forty) challenged ballots at present in custody of the American Arbitration Association in relation to the Offshore Division, New York (formerly Local #88) election.

Very truly yours,

Charles A.

EXHIBIT M

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS

AFFILIATED WITH AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
INTERNATIONAL TRANSPORTWORKERS FEDERATION ⚓ RAILWAY LABOR EXECUTIVES' ASSOCIATION
FOUNDED 1880

THOMAS F. O'CALLAGHAN
INTERNATIONAL PRESIDENT

ROBERT J. LOWEN
SECRETARY-TREASURER

WILLIAM M. CALDWELL
VICE PRESIDENT

39 BROADWAY
NEW YORK, N. Y. 10006
WHITEHALL 4-8508

Cables: BRIDGEDECK

475c

CERTIFIED MAIL

January 7, 1972

Burton H. Hall, Esq.
401 Broadway
New York, New York 10013

Dear Mr. Hall:

With reference to your letter of January 5, 1972, addressed to the International Ballot Committee on behalf of your clients, Bros. Sheldon, Koonce, Norstrand, Hemming, Soto and Nereaux, please be advised that the International Constitution requires all appeals from the rulings of the International Ballot Committee to be made to the General Executive Board, which will meet very shortly.

You will be advised of the exact time and place just as soon as the various accommodations and arrangements can be made.

Very truly yours,

Captain Robert J. Lowen
International Secretary-Treasurer
for the
International Ballot Committee

EXHIBIT N

BURTON H. HALL
ATTORNEY AND COUNSELLOR AT LAW
401 BROADWAY
NEW YORK, N. Y. 10013
431-0114

476a

January 19, 1972

General Executive Board
c/o Robert J. Lowen, Int'l Secretary-Treasdrer
Int'l Org'n of Masters, Mates & Pilots
39 Broadway
New York, N.Y., 10006

Dear Sirs:

On behalf of Lloyd Sheldon, Amos Koonce, Charles Nornstrand, Charles Hemming, Lawrence Burlingame, Henry Hereaux, John Seybert, Victor Soto, John Morelis, Jack Ofelt, Ashley Gordon, George Vance, Nicholas LaRocca, Cornelius Coyle, Walter Anderson and Robert MacAlvanah, each of them a member of IOMM&P and a candidate for office in the recent election for officers of IOMM&P and its Offshore Division, I appeal from the conduct of the said election and from the violations committed in regard thereto. Specifically, on behalf of each of the persons named above, I appeal from and protest the violations of law, committed in the course of the conduct of the said election, that are specified hereinbelow.

(i) The IOMM&P's incumbent officers, in their official capacities, authorized and directed the printing, publication and distribution at IOMM&P expense, and the use of IOMM&P's mailing lists, of and for campaign literature in aid of the candidacies of the said incumbent officers as candidates for re-election. In particular, three pieces of campaign literature were printed, published and distributed by IOMM&P and at its expence and with the use of IOMM&P's mailing lists: (a) a document entitled "60th Convention Newlsetter on the Resolution of Affiliation of the IOMM&P with the ILA," which was published in late August 1971; (b) a document known as the August 1971 issue of the union's official journal, The Master, Mate & Pilot, which was published late in August or early in September 1971; and a document entitled "International Organization of Masters, Mates and Pilots" and bearing the headlines, "All Constitutional Amendments and Resolutions of the 60th Convention Ratified" and "Affiliation of IOMM&P as the International Marine Division of the ILA (AFL-CIO) Affirmed," which was published in November 1971. All these documents were published as official publications of IOMM&P, at the expense of IOMM&P, and with discriminatory use of IOMM&P's mailing lists, which equal opportunity denied other candidates for office for similar publication of their campaign literature and/or similar use of the mailing lists for such publication.

(ii) The members of Local 47, IOMM&P, approximately 300 in number, were denied the right to vote in the election: specifically, no notices of the election were sent to them and no ballots were

EXHIBIT O

them, they were given no opportuhity to obtain or to cast ballots, and they were given no reasonable opportunity to nominate candidates. 477a

(iii) The printing of ballots was turned over to a printer in Baltimore who has maintained for many years close business and other ties with incumbent officers, candidates for re-election with the result that the said incumbent officers were given control over the number of ballots printed and access to such ballots.

(iv) Contrary to the resolution of the IOMMEP Convention providing that AAA should conduct the election and contrary to that provision of the IOMMEP Constitution providing that the balloting agency shall prepare the ballot, the ballot was in fact prepared and printed without the AAA's participation and outside the control of the AAA.

(v) Contrary to Art. V, Section 3(d) of the IOMMEP Constitution, ballots were held back from mailing more than thirday days following the close of the nominating period at which nominations had been made, with the result that incumbent officers, candidates for re-election, were enabled to use the results of the affiliation resolution referendum as an adjunct to their own campaigns for re-election.

(vi) Contrary to the provisions of Art. V, Section 3(f) of the IOMMEP Constitution, the International Ballot Committee and the balloting agency failed and refused to count several hundred ballots that were properly cast and received for either or both of the following reasons: (a) the ballots, though mailed to the bank within the 90-day voting period, were received at the bank after the close of that period and/or (b) the ballots though properly mailed to the bank within the 90-day period were not postmarked on their outer envelopes.

(vii) Contrary to the provisions of the IOMMEP Constitution and Offshore Division By-Laws which provide that the election be conducted, as regards former local union offices, in accordance with the by-laws of the former local unions, the rights of members of the former local unions were abridged as follows:

(a) the authority of the local memberships and of the local ballot committees over the election of local officers, as provided for by such local by-laws, was usurped by the International Ballot Committee and as a result neither the local memberships nor the local ballot committees were given any role or participation in the election's conduct;

(b) candidates for offices in the New York Branch of the Offshore Division were denied copies of the mailing list of the Branch, despite their requests for the same in accordance with that provision of the by-laws of the former Local 33 which guarantees to any bona fide candidate who request[illegible]

EXHIBIT O

(c) contrary to the established election rules of the former Local 88 andof the Local 88 Ballot Committee, no signature check of signatures on the outer ballot envelope was made nor enabled to be made.

(viii) The International Ballot Committee was not in fact impartial or representative of the membership but was partisan in favor of the incumbent candidates for re-election and was selected in such fashion as to make such partisanship inevitable.

(ix) Acting in a manner and for purposes partisan to the incumbent officials, the International Ballot Committee reversed its former position in regard to the counting of non-postmarked ballots after a count of postmakred ballots revealed a slight lead on the part of incumbent officers of the New York Branch and in particular on the part of the New York Port Agent and Vice-President-Atlantic of the Offshore Division; by such reversal of its former position, theInternational Ballot Committee ruled that non-postmarked ballots should not be counted, thereby ensuring the re-election of such incumbent officers.

(x) Candidates for office in ports outside New York and candidates for International Office resident outside New York were denied a reasonable opportunity to examine membership and voters' lists and were denied the right to examine lists of their own local members, all by reason of discriminatory rules adopted by the International Ballot Committee that required them to come to New York City to examine any membership list and which further required them to mail any literature out through New York City rather than through local mailing agencies.

(xi) The official election notices and the ballot itself falsely advised members: (a) that mailings to be sent out in port elections would be sent through local mailing agencies when in factall such mailings were required to be sent from New York City; and (b) that in order to be counted all ballots must be received no later than December 21, 1971, the 90th day of the election period, when in fact the IOMMEP Constitution provides that all ballots mailed during the 90day period should be counted regardless of when they are received.

(xii) No election was held for the office of Field Representative, Puerto Rico, despite the requirements of the Offshore Division Bylaws, Art. III, Section 1(c).

(xiii) No election was held for the offices of Assistant Executive Officer, Executive Officer and/or Financial Officer of the Offshore Division.

(xiv) Members of Locals 4, 24 and 15 were denied their rights to vote in the election of Vice President-Gulf of the Offshore Division.

K

EXHIBIT O

(xv) Members of Locals 5, 11 and 14 were denied their rights to vote in the election of Vice-President-Atlantic of the Offshore Division.

(xvi) Candidates running as opponents of the incumbent officials were denied discriminatorily the right to inspect and use up-to-date lists of MM&P contract vessels.

(xvii) There were no adequate safeguards to ensure a fair election; in particular:

(a) no signature check ofsignatures on the outer envelopes;

(b) the ballots were sent out to many persons ineligible to vote and, especially as regards ballots received from the Inland locals, the dues standing of votes was not adequately checked to determine eligibility to vote despite provisions of the IOMM&P Constitution providing therefor;

(b) the ballots were not watermakred or otherwise identified in order to prevent the casting of fraudulent or improper ballots;

(d) no list of members and their dues status was made available to observers to enable them to determine the eligibility of voters to vote;

(e) the agency conducting the election never obtained for use in checking the signatures on the outer envelopes the membership and transfer applications maintained by the union and its welfare and pension plans;

(f) no check of the eligibility to vote of the persons named on the voters' list was made; and

(g) no list of persons from whom ballots were received was maintained and/or made available for inspection by candidates or observers and the numbers of ballots printed, the number of ballots left over, the number mailed out, the number received, etc., were not made availabele to candidates or observers.

(xviii) Approximately 631 ballots received by the bank have been neither counted nor accounted for; the ballots here referred to are those included in the total of 6347 received by the bank and not included in the total of 5716 accounted for in the balloting agency's certification of the election results.

K

(xix) Votes were unaccountably added to the totals attributed to the incumbent officials in the final certification of the election results, over and above those actually tabulated at the vote counts.

480a

The instant appeal is sent to you, on behalf of each of the persons named at the beginning of this letter, in a good faith attempt to exhaust all reasonable remedies available within IOMM&P and its Offshore Division. If any procedural errors are or have been committed in connection with the submission of this appeal, or if any other or different appeal remedy is available within the IOMM&P or its Offshore Division, please promptly advise the undersigned.

Very truly yours,

BEST COPY AVAILABLE

K

EXHIBIT O

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS

AFFILIATED WITH AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
INTERNATIONAL TRANSPORTWORKERS FEDERATION ⚓ RAILWAY LABOR EXECUTIVES' ASSOCIATION

FOUNDED 1880

481a

THOMAS F. O'CALLAGHAN
INTERNATIONAL PRESIDENT

ROBERT J. LOWEN
SECRETARY-TREASURER

WILLIAM M. CALDWELL
VICE PRESIDENT

39 BROADWAY
NEW YORK, N. Y. 10006
WHITEHALL 4-8506

Cables: BRIDGEDECK

CERTIFIED MAIL

Burton M. Hall, Esq.
401 Broadway
New York, New York 10013

Dear Sir:

In response to your letter of January 5th, following are excerpts from the minutes of the IOMM&P General Executive Board meeting of January 25 and 26, 1972, held in San Diego, California:

(January 25)
"Item #3 - Appeals - Hold this item in abeyance pending arrival in San Diego of International Counsel Marvin Schwartz."

(January 26 - morning session)
"Item #3 - Appeals - International Counsel Marvin Schwartz reviewed the International Ballot Committee minutes, including the transcript of the challenges. He also read the different letters of challenge submitted on behalf of various defeated candidates. The minutes, the transcript, and the challenge letters were discussed by the General Executive Board and International Counsel.

The author of one of the challenge letters indicated his desire to appear personally but he was not present. The General Executive Board instructed International Counsel to contact Mr. Ofelt and advise him that the Board was waiting for him. The Board agreed to withhold decision on the appeals."

(January 26 - afternoon session)
"Item #3 - Appeals - International Counsel reported that, during his telephonic conversation with Jack Ofelt on this date, Bro. Ofelt stated that he had originally planned to attend the General Executive Board meeting in San Diego, but because of time and weather, decided to convey his appeal to the Board through Counsel Schwartz. Mr. Ofelt repeated his points of challenge listed in his January 20th letter to Counsel Schwartz who, in turn, answered and explained the reasoning behind the action taken by the International Ballot Committee in each of the points challenged. Mr. Ofelt also informed Counsel Schwartz that he was planning a visit with Rolla Johnson of Local 47 to help him challenge the election.

EXHIBIT P

After careful consideration of all the challenges and the various documents, it was moved, seconded and carried that the appeals be denied."

4822

Very truly yours,

R. Lowen

Captain Robert J. Lowen
International Secretary-Treasurer

EXHIBIT P

66th Convention Newsletter on the Resolution of Affiliation of the IOMM&P with the ILA

Published by

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS

39 BROADWAY, NEW YORK, NEW YORK 10006

AFFILIATED WITH AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
INTERNATIONAL TRANSPORTWORKERS FEDERATION RAILWAY LABOR EXECUTIVES' ASSOCIATION

FOUNDED 1880

THOMAS F. O'CALLAGHAN
International President

ROBERT J. LOWEN
Secretary-Treasurer

WILLIAM M. CALDWELL
Vice President

RESOLUTION

To amend the International Constitution by adding the following as Article XIV, AFFILIATION OF THE INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS WITH THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION.

The International Organization of Masters, Mates and Pilots shall become affiliated with the International Longshoremen's Association as the "International Organization of Masters, Mates and Pilots, the International Marine Division of the International Longshoremen's Association," and this affiliation shall be in accordance with the following principles and safeguards:

1. The International Marine Division shall be autonomous and have its own officers, subdivisions, and self-government.

2. The President of the International Organization of Masters, Mates and Pilots shall be the representative of the International Marine Division on the International Longshoremen's Association Executive Council.

3. The International Marine Division will also be represented on the Executive Boards of the ILA's three existing geographical Districts: the Atlantic Coast District, the South Atlantic and Gulf Coast District, and the Great Lakes District. If the ILA establishes a Pacific Coast District, the IOMM&P will also have the right to be represented on the governing Board of that District.

4. Any maritime union, inland or offshore, which hereafter affiliates with the ILA shall become part of the International Marine Division.

5. The International Longshoremen's Association shall pay per capita tax on IOMM&P members to the AFL-CIO and this per capita tax shall be itemized separately as being made for members of the International Organization of Masters, Mates and Pilots. The IOMM&P shall pay per capita tax to the ILA.

6. At any time prior to October 1, 1975, either Organization, for any reason, may cancel the affiliation by written notice to the other, and the AFL-CIO charter and jurisdiction of the IOMM&P shall remain with the IOMM&P.

In the event of any such cancellation, the IOMM&P shall continue to retain all of its books, records, contracts, securities, funds, property, assets, collective bargaining agreement(s) and pension, welfare, vacation and training plans, rights, books, records, funds, property and assets of any description which were in the possession of the IOMM&P at the time of affiliation or which may be paid to the IOMM&P by the ILA or by employers pursuant to the collective bargaining agreements.

In the event there has been any transfer of members or organic merger of locals during the period that the IOMM&P has been a part of ILA, then, upon such cancellation, such transfer of members or organic merger of Locals shall be rescinded and the parties restored insofar as possible to their status quo immediately prior to July 1, 1971.

EXHIBIT Q

HON. EDWARD A. GARMATZ CHAIRMAN, HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE

"This AFFILIATION represents an important first step in achieving trade union solidarity, in both principle and in action, and I commend this historic AFFILIATION of the two great unions. I think it's significant that this AFFILIATION brings together the Masters, Mates and Pilots, the oldest and the largest licensed officer labor organization in the nation, and the ILA, which is the largest union of longshoremen in the world.

Even though the American maritime industry has been given a new lease on life with the enactment of the Merchant Marine Act of 1970, this industry must still face fierce foreign competition, and it must have stability if it is to survive.

A new spirit of cooperation and solidarity is certainly essential to the stability of the American merchant marine industry. The very lives, the careers, the security, the welfare of maritime labor, is dependent upon such stability.

I commend the foresight and the courage of my two long-standing friends, Tommy O'Callaghan and Teddy Gleason, President of the ILA. It takes courage to make a major step such as this AFFILIATION. And their action renews my conviction that they are both dynamic leaders.

I think the maritime industry of the future will require such leadership. It will need more men like these two, men who have the forceful determination to break precedent, to hurdle obstacles, and to blaze fresh, forward-moving trails. It will require men who possess a firmness of character and will make a short-term sacrifice to achieve the long-range welfare of the total industry, as well as the interest of the entire labor union movement.

In the past, there has been much talk about the need for unity in the maritime field. There have been many warnings that a new era of stability is essential if this industry is to survive. But each of you here today can be proud that while others talked, your union and the leadership made it happen. They did what had to be done, and they did it right now.

I hope that this example will lead the way to a complete maritime unity. Hopefully, as a result of this merger, management will understand and respond with renewed hope, rather than with distrust and fear.

The Government and the Congress should also find new confidence and a stronger will to fulfill the objectives of the Merchant Marine Act of 1970. And, finally, the entire nation and the American economy will be the ultimate beneficiary."

EXCERPTS FROM ADDRESS AND STATEMENTS MADE BY INTERNATIONAL ILA PRESIDENT TEDDY GLEASON— (President Gleason is Also Vice-President of the AFL-CIO Executive Council)

AFFILIATION means whatever fighting the IOMM&P needs to protect your union, the ILA will be together with you; and have the right to officially fight to protect your union from anyone, at anytime, any place you call on us. The ILA will be on your side against anyone who tries to take over your union. We are going to support you all the way down the line, come hell or high water, to maintain your rightful place on board ship, to make sure that everyone pays respect to the Masters, Mates, and Pilots authority, rights, and command . . . We'll back your jurisdiction status all the way . . . No ILA officers will ever tell you what to do, how to do it, or when. We will never do that. We are not that kind of people or that kind of union.

Anyone who knows us knows we have never crossed a line or jurisdiction, and we don't ever intend to . . . Like Cap (Captain O'Callaghan says) *AFFILIATION is going to make an end of waterfront cannibalism once and for all.*

Let's be clear about this . . . our affiliation is like a marriage . . . a marriage of convenience and necessity . . . WE NEED IT . . . YOU NEED IT . . . WE NEED YOU . . . YOU NEED US! For mutual protection . . . for common goals . . . for the good of both and of all the industry.

I'm here to tell you the ILA is for Stability; Stability in the industry and within Maritime Labor . . . Maritime Labor Stability means this: no union swallows the other union up. I know (and I have the evidence), who passes around the trumped up propaganda that the ILA is going to "swallow-up" the IOMM&P . . . that the ILA is going to "take-over" the control of the IOMM&P, and take on the jobs of the Masters, Mates and Pilots . . . *We are the one union that can't do that,* and couldn't ever want to do that. This sick propaganda comes from Imbeciles! No person in his right mind will believe it.

AFFILIATED to the ILA, you cannot and won't ever be "swallowed up." You cannot because you have your own autonomy guaranteed, you have your own officers, your rules, your rights, your Constitution, By-Laws intact. No one can say you, the IOMM&P, should have three mates today, four mates tomorrow, one mate and seven engineers the next day! That's the basic difference with the ILA and the MEBA, or anybody else.

EXHIBIT Q

When they (referring to IOMM&P "opposition" leaflets in his possession) bring up such questions as racism in connection with the AFFILIATION it turns my stomach . . . and when I see a man who was once head of the IOMM&P for years hooking up with this propaganda . . . for personal gain, and nothing else; this from a man who has been around this industry and labor for more than 15 years . . . doing this for the sake of job . . . it makes me sick again.

I believe in a guy fighting like hell within his union, within his union. I believe in labor democracy, union democracy. But *I don't believe in anybody taking money from somebody else to put out propaganda trash like this stuff.*

We have copies of the paid bills, paid from outside sources, for printing of the anti-IOMM&P-ILA propaganda. We know where this trash was printed, who paid and when. And I tell you, if anyone in the IOMM&P [illegible] to print this material trying to bring about disruption within your own organization, then it's wrong, very wrong.

I think you all know me. If anyone wants to get up and say his piece, I admire him for doing that. But I don't think anyone, including me, should *go outside of our ranks to hurt our own organization. No union man should do it*, no one else in *other organizations should go outside of his ranks.* He should fight like hell within his own ranks to make the changes he wants.

Why the hell shouldn't Maritime Labor be together? When we get ourselves together into one Division, we might say take a trip offshore for yourself, and leave us stay inshore. Somebody has got to stop this inter-union in-fighting, or otherwise Maritime unions are going to emasculate each other, and you know it, better than anybody else, and you know I'm not joking or kidding and I'm not up here to lie about this or anything else.

Together we'll take a stand, because we'll be the only ones that will be able to take a stand when the other new ships come out. I said 30 men crews. But, they are down to 22 men now. And you know this. I don't have to lie to you about this. You know this yourself.

But if we are all together, you wouldn't have any trouble getting *30 men.* You wouldn't have any trouble maintaining five or six mates on those new ships. You wouldn't have a bit of trouble. These other guys are going in now and wanting to make deals for three mates. Some are already making deals for three mates. [illegible] in the future, unless

IOMMP - ILA
PAST, PRESENT, FUTURE

The ILA remembers that it was the IOMM&P, and only our union, which stood up for them; and lined up with them when the AFL-CIO voted them out. We voted and spoke for the ILA remaining in the parent body. They don't forget the back-up we gave them in the Central Gulf, New Orleans; or other demonstrations of trade union cooperation on the record. Now what do we in the IOMMP remember? . . . The ILA gave their word and kept it. Against rough and tough threat and action; physical, political, personal.

Teddy Gleason said the ILA would go down the line with the MM&P on the Prudential-Grace beef. Teddy Gleason and Johnny Bowers and the ILA honored that pledge in action. Both of these trade union leaders personally took over direct responsibility for their pledge. In Mobile, New Orleans, Baltimore, New York, Jacksonville, the ILA brothers stood by us, and hit [illegible] the ILA brothers stood by us, and hit the docks. NO ONE ELSE DID.

In the AFL-CIO Maritime Committee no one dared challenge up Teddy Gleason when he spoke officially for the ILA and said "I BELIEVE ONLY THE MASTER SHOULD CALL THE SHOTS ON THE SHIP, REGARDLESS OF ANYTHING, OR ANYONE."

Over the years Teddy has proven his belief in the principle of the unchallenged primacy of the Master, the absolute authority of the Masters' command post. He stepped on some very sore toes, and konked some very sorcheads on that score, but he has never backed-down. You can lay odds he won't ever.

There's much deception and self-deception about the irrevocable, non-negotiable common principle agreed upon between the ILA and IOMM&P—*The Master's primacy, his status and privileges, responsibilities, and authority and jurisdiction of the Licensed Deck Officer.*

The record shows there is, and continues to be; sniping, needling, groin-kicking, back stabbing; every kind of trick and shafting directed toward BLOOD-LETTING THE authority OF the Master, WEAKENING HIS TRADITIONAL COMMAND status, PUSHING HIM OVERBOARD off the command post. That's something we'll fight all the way, against anybody, any combination.

Anyone with any idea that the United ranks of ILA-IOMM&P can be dented or shunted away from their mutual dedication to the Masters' command, and Licensed Deck Officer status, have got to be really haywire and volunteers for a snakepit.

AFFILIATION is the cement that will fortify the base of the structure we are building with Masters' [illegible] with a will of steel to guard that [illegible]

EXHIBIT Q

IOMM&P AFFILIATION REFERENDUM ANNOUNCED 6 MONTHS AGO!

In statements to the Miami Press, Radio and Television, with Officials of ILA attending, and subsequently in an interview published March 29, 1971 and reprinted in Maritime Trade Press, with Richard Basoco, Maritime editor of the Baltimore Sun; International President Thomas O'Callaghan put on the record publicly that the ultimate decision on affiliation would be made by IOMM&P membership [illegible] after all duly constituted representative elected bodies of both ILA and IOMM&P had discussed conditions concerning affiliation and had voted to refer favorably to membership, and after the official stamp of approval was given by the AFL-CIO Executive Council as consistent with charter affiliation provisions of AFL-CIO constitution. Each step in the process being duly observed and voted favorably upon, the 60th Constitutional Convention approved the AFFILIATION resolution brought to the Convention floor by unanimous affirmative recommendation of the Convention Constitutional Committee.

THE SUN

MARITIME

By RICHARD BASOCO
Maritime Editor of The Sun

Last week the Masters, Mates and Pilots and the ILA announced jointly that the deck officers had applied for affiliation with the longshore union and that the executive board of the dockworkers had voted to accept that application.

Confident Of Outcome

In an interview after the announcement last week, Capt. Thomas P. O'Callaghan, president of the mates union, said he intended to put the question to referendum in my case because he was confident of the outcome and wanted the public to know the membership "is 1,000 per cent behind this."

AFFILIATION FACT

The basic Constitution and By-Laws won't be changed by AFFILIATION, and can't be changed except under specific provisions of our OWN Constitution and By-Laws of October 1, 1970. All democratic rights continue in force. The ILA will not have authority to make decisions for us. They don't want to make decisions for us and we don't want to make decisions for them. We both remain independent trade unions and shall respect [illegible] trade union independence.

STEP BY STEP TOWARD AFFILIATION RESOLUTION REFERENDUM

The AFFILIATION Resolution was adopted by the 60th Convention of the IOMM&P meeting in Galveston, July 26-30.

On a roll call vote on RESOLUTION titled "AFFILIATION OF THE INTERNATIONAL ORGA[illegible] WITH THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION" . . . Convention delegates (with one solitary exception) all voted FOR AFFILIATION. The Constitution Committee had voted unanimously to recommend the Resolution favorably to the Convention.

Convention roll call vote was—33 delegates For, 1 delegate Against.

SUMMARY OF STEPS LEADING TO CONVENTION OVERWHELMING APPROVAL OF AFFILIATION . . .

The IOMM&P and the ILA have a long, and unbroken record of supporting each other. Discussions of forms of formal association have been going on for several years. Rank and File members of both unions have cooperated and backed up each other whenever there was need for Trade Union solidarity. The leadership of the IOMM&P and ILA trust and respect each other and trust each other's jurisdiction. Both unions are real trade unions in the true sense.

During the Prudential-Grace crisis last year the IOMM&P and the ILA faced together a conspiratorial assault against the independence, integrity, and jurisdiction of each union which threatened their existence and future.

Waterfront cannibalism, in its ugliest shape ran rampant. Collective bargaining was disrupted, Trade Union principles were violated.

Union-busting collusion between managements and certain Maritime Union leaders involving scabbery and finking, exploded on the waterfront during the course of IOMM&P—Prudential LASH Italia negotiations. These attacks were savagely aimed at the jugular of the IOMM&P; deliberately planned for the destruction of the PRIMACY OF THE MASTER, to cripple and splinter the status and jurisdiction of the Licensed Deck Officers, and castrate the IOMM&P.

Every trick and deceit was used to toss overboard the rightful authority, and command position of the Captain and the Licensed Deck Officer crew both in numbers, as well as status.

Simultaneously, the ILA had to wage war against [illegible]

EXHIBIT Q

confronted a common double-barreled union busting offensive.

A clear and imminent danger faced us together.

IOMM&P and ILA union leadership sped up talks of formal association to the decision-making stage. We determined to act in self-defense; to protect our members' security, jobs, jurisdiction, and in fact the life of the unions . . .

Discussions of the need to act on AFFILIATION were comprehensive and included participation of Port Officers, Executives, and duly constituted bodies of both unions . . .

The step by-step voting process is summarized below . . .

1.) Atlantic Coast Executive (ILA), General Executive Board (ILA)—unanimous.
2.) Poll of Port Officers (IOMM&P)—unanimous.
3.) General Executive Board (IOMM&P)—unanimous.
4.) AFL-CIO Executive Council approval.
5.) 60th Constitutional Committee—unanimous.
6.) Convention approval.
7.) Referendum ballot now taking place.

We submit to the IOMM&P membership the record, the facts and the acts. Step-by-step, strictly observing each required constitutional process, the IOMM&P (and the ILA) cleared the way for the ultimate decision to take place; the mandate by the full membership by secret referendum ballot.

Of significance and concern to the membership is the fact that on the record one, *and one vote only,** has been registered against AFFILIATION, and that vote came at the 60th Convention of the IOMM&P.

** The one solitary convention delegate who voted against affiliation HAS BEEN RETIRED FROM THE INDUSTRY FOR THREE YEARS. He has been collecting better than nine hundred dollars ($900.00) per month in pension payments from the IOMM&P for the three year period.*

WITH REASON—OR WITHOUT

In the event the IOMM&P believes it to be in the best interests of the membership to terminate affiliation as the Marine Division of the ILA for any reason, *or for no given reason*, an official letter of disaffiliation cancels the affiliation forthwith. There are no strings, there is no ambiguity; the stipulation is positive, clear, and straightforward. Explicit and definite.

Until 1975 this direct, unqualified option maintains in force for both IOMM&P and ILA.

After 1975 both the ILA, and the IOMM&P, Marine Division of the ILA will together and separately determine stipulations governing relationship of the two unions, by proper constitutional action based on trade union principles.

EXCERPTS FROM ADDRESS OF JOHN BOWERS—EXECUTIVE VICE-PRESIDENT, ILA, AT THE 60TH IOMM&P CONVENTION

487a

It does seem very strange to me, that these same people who are fighting against our affiliation are the very people who tried to grab your jobs a few months ago on the PRUDENTIAL-GRACE. They're very unhappy to see the IOMM&P and ILA get together . . . They're after your field. The others (you all know who) are after the same thing from top to bottom. But together we are going to stop them.

They are going after every damn thing, on roll-on/roll-off ships, like they tried with PRUDENTIAL-GRACE. All those longshore hours they worked! They pulled the ship into Norfolk, and into a non-union shipyard. They finked and they took our work. They unloaded those barges. So, they are so damned concerned with us not getting together. The reason is they know, together, we have strength, and together we are going to come out on top . . . I trust O'Callaghan, and if O'Callaghan wasn't the top man here I'd think twice before saying I want the affiliation to go through with the Masters, Mates and Pilots.

O'Callaghan I trust. I also have many more good, trusted friends in the Masters, Mates and Pilots, I'm hoping you become affiliated as the Marine Division of the ILA, so we'll be united in one great organization—I'm happy for us both.

AFL-CIO ETHICS COMMITTEE

Legal steps will be taken, through the AFL-CIO Ethics Committee (and probably through District Attorney involvement) on definite damning evidence in possession of the International Office which confirms an underground alliance with specific Officials of another union and extremist disrupters within the IOMM&P; an alliance which includes direct subsidy of these leaflets carrying distortion and fraud . . . the objective of this propaganda is to produce a cancer within the IOMM&P—to pressure the IOMM&P into a NMEBA engineered swallow-up aimed at the destruction of the Masters' authority, rights, responsibilities, and unchallenged primacy, a gangland hi-jack of our jobs, security, and status. The Calhoun solicitation for NMEBA-IOMM&P merger is an invitation to suicide to which the IOMM&P replies, thanks, but no thanks.

EXHIBIT Q

A VOICE OF THE O[illegible], AND INSIDE MOUTHPIECES

The IOMM&P members have a right to know that although only one solitary recorded vote against AFFILIATION was recorded at the 60th Convention, other voices and other opponents of AFFILIATION have been heard from. IOMM&P unionists have a right to know sources of opposition viewpoints, and can compare the original outside opposition brain-trusts' words with their spokesmen inside the IOMM&P.

Published in June of this year in AMERICAN LABOR, June 9, 1971 (but quoted from a May 1971 interview), are the responses of Jesse Calhoun to *American Labor's* questions on the discussions of AFFILIATION. Mr. Calhoun's words speak for themselves . . . (an example of the wish being father to the thought).

"The affiliation is not going to stabilize anything at all, if anything, it will fractionalize the industry more than before. AFFILIATION must be recognized as ill-conceived, illogical, and deleterious to all concerned. I am unalterably opposed to AFFILIATION.

I call on all of the appropriate agencies and departments of the AFL-CIO to join us (NMEBA) in opposition.

The personal intransigence and rule or ruin philosophy of certain IOMM&P International Officers is well-known in maritime circles . . . ORDINARILY THE MEBA WOULD HOPE THAT THE IOMM&P MEMBERSHIP WOULD CURE SUCH ILLS THROUGH THE OPERATION OF ITS *INTERNAL ELECTIONS*. BUT WHEN THE EMPLOYMENT, SECURITY, LIVELIHOOD AND BENEFITS OF THE ENTIRE MARITIME COMMUNITY ARE THREATENED, *IT IS INCUMBENT UPON US TO SPEAK OUT.*"

There is not the slightest doubt that Mr. Calhoun is keeping his word, he is speaking out—speaking out in leaflets, pamphlets, and subversion—through his flunkies, character assassins, racists, and finks who pollute the waterfront with propaganda against the leadership of the IOMM&P, and the ILA, with mindless, poison-pen, libelous anti-labor trash. They are speaking out in his words, parroting his exact phrases and ideas. Groups, and cliques who spread the garbage suck the curdled milk from the mother wolf who inspires the wolf-pack.

PRESI[illegible]ALLAGHAN RESPONDS TO A CON[illegible] DELEGATE

488a

"You can pick up all types of scurrilous leaflets against the Masters, Mates and Pilots and ILA.

Here, in the South, there are distributed leaflets with pictures of me and Bill Hale and Dave Alston. Dave Alston and Bill Hale are black leaders of the longshoremen in the Ports of Baltimore and Norfolk. They have long been my friends, and I'm honored and proud to have them as my friends, and I'm happy to have my picture with theirs any time. They are real people, these two outstanding trade unionists. They have helped me out and helped out the Masters, Mates and Pilots any number of times. This literature and these pictures distributed in the Gulf are deliberately aimed to fan race prejudice and bigotry. This muck says the IOMM&P is going to be taken over by the ILA Negroes.

Up on the Lakes, where the mates up there are not too well acquainted with the offshore unions, and especially the longshoremen union, they are putting out *this* fraud. I'm pictured with Harry Bridges, President of the ILWU. This printed garbage says O'Callaghan is going to tie-up with Bridges forcing the IOMM&P into the West Coast Longshoremen. Bridges is going to be the IOMM&P dictator now.

The mates on the Lakes ask me why the hell am I selling them out to Bridges? They don't know that Teddy Gleason, not Bridges, is the President of the ILA. This propaganda is vicious red baiting.

Out on the West Coast, there's a committee, the MEBA put it together, called the West Coast Grievance Committee. The dispatcher of the MEBA down in Long Beach, is the West Coast Grievance Committee of the Masters, Mates and Pilots, and he prints slander and libel against the ILA.

On the Atlantic Coast, there is real horror stuff. I'm in cartoon drawings with a Baltimore IOMM&P port official. We both have long hooked noses, cock-eyes; the kind of anti-semitic scum that the Nazi's printed.

These are the insane lengths—there is no limit to it. The lunatic fringe are working all angles; racism, red herrings, bigotry, slander. That's the kind of thing and the people that we are dealing with."

MEBA MAJORITY FOR UNITY, AGAINST DISRUPTION

The majority of MEBA unionists share with the Licensed Deck Officer unionist much in common, as trade unionists, and skilled professional officers. The time is shortening when there will indeed be a powerful, firm, secure Maritime Officers Union—an integral part of the Marine Division of the ILA, with jurisdictional lines, and mutual respect for each others' status legitimately agreed upon. That's a certainty . . . We know that the great majority of MEBA members are angered, and revolted by the undercover operations of certain of their leaders who instead of working for labor fraternity, are hell-bent to divide and destroy maritime labor . . .

Corruption will expose itself . . . the Truth will out.

EXHIBIT Q

The notarized Statement below is one of many of similar documents now in possession of the International Office revealing the shocking, criminally directed attempts of officials of the MEBA directly engaged in disruption and intimidation against the IOMM&P and the ILA.

Already in early May 1971, before duly constituted bodies of the IOMM&P and the ILA had the opportunity to discuss and vote on the issue, certain MEBA officers had begun their vicious attacks.

STATEMENT OF FACTS CONCERNING A MEETING WITH MEBA OFFICIALS

In the early part of April, 1971, I was approached (on the floor of the Wilmington MM&P hall) by Jim Ramirez, MEBA Patrolman and former shipmate, to see the MEBA Wilmington Port Agent, C. Dodson. The purpose of this meeting was to show me how the MEBA could guarantee my election as an official of the IOMM&P. It was explained to me that the MEBA is very well versed in this and would set up my entire campaign, make the right connections, distribute the literature, and finance the campaign.

After two such casual discussions with Ramirez, I subsequently met with Ramirez and Dodson in Dodson's office on the morning of April 26, 1971. At this meeting Dodson did virtually all the talking. His primary concern was the "merger" (his words) of the IOMM&P and the ILA. He stated that any such merger would eventually cause a "bloodbath" on the waterfront. The alignment of forces would be all sea-going unions opposing the IOMM&P-ILA. He further stated that all incumbents in the IOMM&P had to be in on the "sell-out" to the membership, and that any candidates who supported or aligned themselves with the incumbents would be opposed by the MEBA. He stated "WE INTEND TO INTERFERE DIRECTLY IN THE IOMM&P ELECTIONS" and that this interference would be in the form of anti-ILA literature and full support of cooperating candidates. He also implied that it would be very lonely for the IOMM&P members on the West Coast without ILA support and opposed by all other sea-going unions and the ILWU.

When asked what MEBA's real interest in the [illegible] that the eventual [illegible] M&P He was also very concerned about how the IOMM&P was going to pay the officials such "huge" salaries; after all wasn't this an example of the "sell-out" by going bankrupt and subsequently floating a loan from the ILA, thereby forever indebting the Organization to Teddy Gleason. He was, however, unconcerned with the financial problems of the MEBA since its amalgamation with BME or the influence of Paul Hoffman in the MEBA now that Lee Pressman is not on the scene.

The remainder of the meeting was basically a reiteration of the above ideas. However, at the conclusion Dodson offered once again to give "all support possible" to me, should I decide to go along with the idea, and that his meeting must be kept a secret with no mention that it ever existed. I was then ushered out the side door after Ramirez checked to see if anyone was around.

Under the penalty of perjury I certify the above statement to be true.

John Haring

John Haring
Offshore Division Member

Subscribed and sworn to before me, a Notary Public in and for the County of Los Angeles, State of California this 3rd day of August, 1971.

Grace Hughes

OFFICIAL SEAL
GRACE HUGHES
NOTARY PUBLIC-CALIFORNIA
LOS ANGELES COUNTY

EXHIBIT Q

THE MM&P PLANS

There *are* questions the membership must have answers to in order to vote on the *merits* of AFFILIATION . . .

Included in the perjured and perverted propaganda, verbal and written, is the lie that the MM&P Pension Plan, and the other MM&P Plans will be "taken over" by the ILA, dependent on ILA control; as a result of AFFILIATION.

Perpetrators of this big lie know its a l[illegible]. They know there is no *possibility* of a "takeover," no chance of IOMM&P Pension and other plans being "swallowed-up" into ILA Funds. They know our Funds are now, and will lawfully and constitutionally, continue to be [illegible]

Our IOMM&P Funds are financed by contracted shippers; they now have and will continue to have, after AFFILIATION, their own separate assets, investments, procedures, and policies.

The Funds and Plans are solely and exclusively of, by, and for, the IOMM&P members; and no one else, and will remain so.

The Board of Trustees made up of IOMM&P members and representatives of contracted ship operators serve only as appointed by the Union, and shippers; as duly prescribed in rules and regulations. Federal, and IRS laws prohibit any "takeover," "swallowing-up" or "submerging" any of the rights, privileges, or assets. Lawfully and constitutionally, the exclusive right of each and every IOMM&P member; remains unaltered, and inviolate. The liars know this full well. But the sick minds of the perverted propagandists stop at no limit to deceive. The fact is that the IOMM&P will be a great deal stronger and more forceful in coming negotiations, precisely because of AFFILIATION, to further secure, and implement, the benefits we now command.

President Gleason castigated the liars as "imbeciles," and added that only imbeciles would swallow such phoney and obvious slander. The IOMM&P membership are not imbecillic. They know both the source of the lie, and the aim of the liars.

UNION DEMOCRACY WORKS THROUGH REPRESENTATION AND PARTICIPATION

Elected officials have a serious responsibility in serving the membership which elects them to office. They are elected to represent and speak for their constituents. That is the basis for representative union democr[illegible]y. Each elected official has the obligation and responsibility to examine, judge, and either approve or reject issues on their merits. When crucial issues which require ultimate decision by membership referendum are on the table, it's proper and necessary that the step-by-step process representative of union democracy, be strictly observed. This principle has been carried out in spirit and to the letter. After full participation and prolonged and continuous discussion by the IOMM&P full [illegible] Vice-Presidents, Division Officers and International Officers have voted on AFFILIATION. Now the membership will exercise its deciding democratic right: to vote on the AFFILIATION resolution.

The series of official meetings listed were supplemented over a five month period by IOMM&P West Coast, Atlantic Coast, Gulf Coast conferences called (and participated in) by the International President and Vice-Presidents Gaier, Jones, Durkin representing regional districts. International Executive Vice-President Caldwell, International Secretary-Treasurer Lowen were in continual communication with President O'Callaghan and directly involved in the affiliation processes.

Atlantic Coast Vice-President Gaier joined President O'Callaghan at the Miami sessions of the ILA Atlantic Coast Executive Committee, and General Executive Sessions of the ILA, participating in continuing talks with ILA officers preceding the unanimous vote of both ILA bodies in favor of affiliation. Pilot Vice-President Sprada received comprehensive briefing and participated in continuing talks with President O'Callaghan.

In the process of submitting the vote of AFFILIATION to membership referendum, the most meticulous consideration has been given to full, complete, democratic trade union principles.

The elected representatives of the IOMM&P have gone on record overwhelmingly favoring AFFILIATION.

EXHIBIT Q

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS

AFFILIATED WITH AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
INTERNATIONAL TRANSPORTWORKERS FEDERATION ⚓ RAILWAY LABOR EXECUTIVES' ASSOCIATION

FOUNDED 1880

THOMAS F. O'CALLAGHAN
INTERNATIONAL PRESIDENT

ROBERT J. LOWEN
SECRETARY-TREASURER

WILLIAM M. CALDWELL
VICE PRESIDENT

39 BROADWAY
NEW YORK, N. Y. 10006
WHITEHALL 4-8506

Cables: BRIDGEDECK

All Constitutional Amendments and Resolutions of the 60th Convention Ratified

Affiliation of IOMM&P as the International Marine Division of the ILA (AFL-CIO) Affirmed

FOR YOUR INFORMATION

Voting results reported here were provided by the American Arbitration Association. The counting of the secret ballots was made on November 23 in the presence of an IOMM&P International Ballot Committee quorum. When the official certified votes are submitted by the American Arbitration Association they will be officially recorded and announced.

EXHIBIT R

130,000 STRONG

The affiliation of the IOMM&P as the autonomous International Marine Division of the ILA brings together in affiliation the oldest and largest Licensed Deck Officers Union in America and the oldest and largest Longshoremen's Union in the world, comprising a combined AFL-CIO Trade Union membership of 130,000.

ANNOUNCEMENT

A Joint International Officers Committee and Legal Counsel of the IOMM&P-International Marine Division of the ILA and ILA will meet immediately after official certification by the American Arbitration Association of the Referendum Ballot tally on the 60th Convention resolutions to formulate detailed mechanics to implement affiliation ratification.

EXHIBIT R

November 26, 1971

TO ALL OFFSHORE, INLAND, PILOT, GOVERNMENT
SHORESIDE MEMBERS OF THE IOMMP — INTERNATIONAL
MARINE DIVISION OF THE ILA

Dear Sirs and Brothers

We pledge our joint effort to:

1 Expand employment opportunities and benefits for Licensed Deck Officers by collective bargaining agreements, and new updated programs of shipping rotation.

2 Insure the primacy of the Masters command position.

3 Protect and extend the traditional authority and status of the Licensed Deck Officer.

4 Establish warranties of job security.

5 Strengthen collective bargaining capability — enforce management — union fair labor standards and practices.

6 Initiate organization campaigns.

7 Unify and stabilize Maritime labor — eliminate waterfront cannibalism and to bring about Maritime labor unity and stability by cooperative trade union action.

8 Act in concert with AFL-CIO, and Maritime unions for progressive legislation.

9 Expose and organize against foreign flag shipping as destructive to fair labor standards, and subversive to the national welfare, within the mainstream of AFL-CIO.

10 Restore the American Merchant Marine to its rightful strength and preeminent leadership.

11 Dedicate ourselves to peace and national security.

Fraternally

Thomas F. O'Callaghan, *President,*
International Organization of Masters,
Mates and Pilots

Teddy Gleason, *President,*
International Longshoremen's Association
Vice President, AFL-CIO

EXHIBIT R

DECEMBER 21, DEADLINE FOR ELECTION OF OFFICERS

The American Arbitration Association must receive your ballot cast in the Election of Officers by December 21st in order for your vote to be valid. If you have not received a ballot for the election of Officers, you may obtain a post-paid, pre-addressed Duplicate Ballot Request postal card from any office of the Organization. The request will be processed by the impartial balloting agency which is conducting the election — the American Arbitration Association. If you wish a duplicate ballot because the ballot (or return envelope) you have received has been mutilated, or you have erased a selection, etc. you should return the invalid envelope with your request for a duplicate.

TERNATIONAL ORGANIZATION OF MASTERS MATES & PILOTS
39 BROADWAY, NEW YORK, N.Y. 10006

NEW YORK N.Y.

FIRST CLASS
U.S. POSTAGE
PAID 8¢
Permit No. 5397

0756P EST01/11/71

R00 111 NS PDB UJ NEW YORK NY 11 140P EST

2420 TERMINAL TOWER BLDG CLEVE 44113

TO ALL MM&P OFFSHORE INLAND AND AMU OFFICES. INLAND LOCAL
[illegible] HAS BEEN SUSPENDED FROM THE INTERNATIONAL ORANIZATION OF
MASTERS, MATES AND PILOTS AND HAVE BEEN INSTRUCTED TO CEASE
AND DESIT USING THE NAME OF THIS ORGANIZATION
CAPTAIN ROBERT J OWEN ASSISTAN TO INTL PRESIDENT IOMM&P

TO
TO
AT
S U/
E CALLS

DLV

EXHIBIT S

Telegram

214P EST JAN 11 71 CTD100

CT CSA171 BR (CT WA050) GB RX PDC WASHINGTON DC 11 1247P EST

ROLLA JOHNSON, PRESIDENT LOCAL 47 DLY 75

0420 TERMINAL TOWER BLDG CLEVE

LOCAL 47 IS HEREBY SUSPENDED FROM THE INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS AFL-CIO. YOU ARE ORDERED TO CEASE AND DESIST FROM USING THE NAME O THIS ORGANIZATION FOR ANY PURPOSE WHATSOEVER

T F OCALLAGHAN INTERNATIONAL PRESIDENT.

47 (705)

EXHIBIT T

THIS MEMORANDUM constitutes the mutual understanding between the International Organization of Masters, Mates and Pilots, AFL-CIO and Local 47 of the International Organization of Masters, Mates and Pilots, AFL-CIO, as to the actions and steps to be hereafter taken as the method of resolving the dispute that, among other things, has resulted in the present litigation pending in the United States District Court in Cleveland, Ohio.

1. Commencing July 1, 1971, Local 47 shall collect and remit to the International Office its International dues pursuant to the terms of the Constitution of the International Organization of Masters, Mates and Pilots dated October 1, 197

2. All prior arrearages from Local 47 to the International are waived.

3. In contemplation of the prospective retirement of Rolla R. Johnson as President and Chief Executive Officer of Local 47 at the expiration of his term of office in July, 1972, and to improve relationships between the Organization and Local 47, the ~~signatory~~ parties have agreed that Captain Patrick King should be assigned by the President of the Organization as International Coordinator in the territorial jurisdiction of Local 47. Captain Johnson will cooperate fully with Captain King and both Captain Johnson and Captain King will endeavor promptly to select and train a qualified member of Local 47 to be employed in the offices of Local 47 to assure that upon Captain Johnson's retirement Local 47 is not bereft of a qualified candidate to succeed him.

4. The International shall use its best efforts to assist Rolla R. Johnson in securing the pension to which he is entitled from the MM&P Atlantic and Gulf Coast Pension and Welfare Plan, and in securing an appropriate pension for Agnes Johnson from the AMW-MMP Pension Plan.

EXHIBIT U

5. All contracts hereinafter negotiated by Local 47 shall be in the name of the International and Local 47 and shall be negotiated and executed in accordance with the provisions of the Constitution of the International Organization of Masters, Mates and Pilots.

6. The previously billed and outstanding legal fees of Mozart G. Ratner to Local 47, in the sum of twenty-five thousand ($25,000.00) dollars, shall be paid by the International Organization and, in addition, Mr. Ratner shall be retained as Special Counsel to the International Organization for a five-year period at an annual retainer of five thousand ($5,000.00) dollars.

7. Local 47 shall remain the same autonomous subordinate body of the International Organization of Masters, Mates and Pilots as under the prior Constitution until such time as by affirmative majority vote of its own membership voting, it elects to become consolidated or merged with any other subordinate body of the International Organization under the provisions of the International Constitution.

8. Local 47 shall forward to the International Organization copies of all its outstanding collective bargaining agreements and shall also furnish to the International Organization a list of its members, including addresses and Social Security numbers.

9. Local 47 shall make available its books and records to the International Organization for their inspection.

10. The Organization shall not, pursuant to Article IX, Section 9, of its Constitution, undertake any investigation of, or attempt to impose a Trusteeship upon Local 47 on the basis of any act, event, condition, or circumstance existing prior to the execution of this Agreement.

EXHIBIT U

11. The Organization shall use its good offices to effect a modification of the Agreement and Declaration of Trust of the MM&P-AMW Maritime Pension Fund, to the end that Local 47 and the employers who contribute to said Pension Fund pursuant to collective bargaining agreements with Local 47 shall have the right to select one-half of the Union and Employer Trustees of said Fund respectively, and that the other Locals and employers who participate in said Fund, shall have the right to select one-half of the Union and Employer Trustees, respectively.

12. Local 47 shall immediately withdraw all charges currently on file with the National Labor Relations Board in which AFL-CIO affiliates are involved as adversaries.

EXHIBIT U

GREAT LAKES and RIVERS DISTRICT
LOCAL 47 · MASTERS, MATES AND PILOTS
Affiliated with Seafarers International Union of North America, AFL-CIO
Inland Waters Division of Subordinary Personnel
2420 TERMINAL TOWER · CLEVELAND, OHIO 44113 · PHONE: 216:241-0644

500a

October 29, 1971

President
ROLLA R. JOHNSON

First Vice President
NEIL G. MacPHERSON

Vice Presidents
WILLIS E. SYFERT
VINCENT T. LARCOMBE
PAUL H. REA
GEORGE A. KARL
ROBERT M. MILLER
SYLVESTER L. FEENEY

Rivers Division
1208 House Bldg.
4 Smithfield Street
Pittsburgh, Pa. 15222

New Jersey Division
Griggs Drive, Box 6
Dayton, N. J. 08810

Captain T. F. O'Callaghan, Int. Pres.
International Organization of Masters,
Mates & Pilots
39 Broadway
New York, N.Y. 10006

Dear Sir and Brother:

This is a reminder that the Great Lakes and Rivers District, Local 47 has lived up to the agreement reached between this organization and the International in every way.

We have per capita payments to be made to the International beginning with the 3rd quarter of 1971, yet to date we have never received any per capita forms to submit the per capita payment.

Fraternally,

Captain Rolla R. Johnson
President

EXHIBIT V

501a

EXPLANATION	19 Mo.	Day	RECEIVED	WITHDRAWN	BALANCE
	9	10	(43) 800 00		800 00
	9	13		3 26	796 74
	9	13	3 26		800 00
	9	23		30	799 70
	9	24		1 90	797 80
	9	27		34 20	763 60
	9	28		27 10	735 50
	9	29		24 90	710 60
	9	30		30 20	680 40
	10	1		21 00	658 40
	10	4		30 20	628 20
	10	5		14 00	614 20
	10	6		9 80	604 40
	10	7		12 60	591 80
	10	8		13 90	578 80
	10	12		23 40	555 40
	10	13		4 30	551 10
	10	14		10 20	540 90
	10	15		9 60	531 30
	10	18		13 00	518 30
	10	19		6 10	512 20
	10	20		5 60	506 60
	10	21		7 00	499 60
	10	22		5 60	494 00
	10	26		16 10	477 90
	10	27		3 30	474 60
	10	28		4 80	469 80
	10	29		5 30	464 50
	11	1		10 90	453 60
	11	2		3 30	450 30
	11	3		5 70	444 60

EXPLANATION	19 Mo.	Day	RECEIVED	WITHDRAWN	BALANCE
	11	4		5 20	439 40
	11	5	1280	12 80	1306 60
Error made by Union Bank & Trust	11	8	760	3 00	1763 60
(50)	11	9		4 [illegible]	[illegible]
	11	10		3 40	[illegible]
	11	11		6 1	
	11	12		5 [illegible]	
	11	15		8 70	
	11	16		6 [illegible]	
	11	17		4 [illegible]	
	11	18		3 [illegible]	
	11	19		3 [illegible]	
	11	22		8 [illegible]	
	11	23		3 [illegible]	
	11	26		4 [illegible]	
	11	27		5 [illegible]	
	11	29		[illegible]	
	11	30		4 [illegible]	
	12	1		2 [illegible]	
	12	2		5 [illegible]	
	12	3		3 [illegible]	
	12	6		8 70	
	12	7		3 [illegible]	
	12	8		3 [illegible]	
	12	9		3 [illegible]	
	12	10		9 95	
	12	13		2 [illegible]	
	12	14		5 [illegible]	
	12	15		2 [illegible]	
	12	16		4 [illegible]	
	12	17		3 [illegible]	

EXHIBIT W

Item	Date	Received	Withdrawn	Balance	Interest
	12/10		13 50	269 43	
	11/11		4 30	265 13	
	12/22		4 30	260 83	
	11/23		4 10	256 73	
	12/24		2 40	254 33	
	[illegible]		[illegible]	[illegible]	
	11/28		1 30	253 03	
	12/29		60	252 43	
	12/30		10	252 33	
	1/4		20	252 13	
	1/5		10	252 03	
	1/6		10	251 93	
	1/19		10	251 83	
	1/24		10	251 73	
	1/26		90	250 83	
	1/27		6 00	244 83	
	1/28		12 10	232 73	
	1/31		20 60	212 13	
	2/1		6 80	205 33	
	2/2		6 80	198 53	
	2/3		5 00	193 53	
	2/4		3 90	189 63	
	2/7		3 70	185 93	
	2/8		4 50	181 43	
	2/9		2 80	178 63	
	2/10		2 30	176 33	
	2/11		2 60	173 73	
	2/14		4 10	169 63	
	2/15		2 00	167 63	
	2/16		1 10	166 53	
	2/17		4 00	162 53	
	2/18		1 20	161 33	
	2/21		4 80	156 53	
	2/23		1 30	155 23	
	2/24		1 70	153 53	
	2/25		90	152 63	
	2/28		2 60	149 13	
	2/29		1 40	148 53	
	3/1		70	147 83	
	3/2		1 90	145 93	
	3/3		1 30	144 63	
	3/6		2 60	141 83	
	3/7		1 60	140 23	
	3/8		90	139 33	
	3/9		1 00	138 33	
	3/10		1 90	136 43	
	3/13		2 10	134 33	
	3/14		1 00	133 33	
	3/15		1 10	132 23	
	3/16		60	131 63	
	3/17		1 00	130 63	
	3/20		1 90	128 73	
	3/21		1 20	127 53	
	3/22		80	126 73	
	3/23		80	125 93	
	3/24		50	125 43	
	3/27		1 00	124 43	
	3/28		40	124 03	
	3/29		50	123 53	
	3/30		80	122 73	
	3/31		1 40	121 33	
	4/3		1 10	120 23	

5028

EXHIBIT W

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS

TEAR HERE

OFFICIAL BALLOT

1971 ELECTION OF INTERNATIONAL, OFFSHORE DIVISION & PILOTS DIVISION OFFICERS

Voting Instructions - Read Carefully

General Information

This election is being conducted by the American Arbitration Association under the supervision of the International Ballot Committee elected at the 1971 Convention: Robert Nelson, Chairman; George Eisenhauer, Price Mitchell, Lester Reynolds, and Joseph Valensi.

Instructions

These rules have been adopted to insure the secrecy of your vote. Do not sign, initial or make any mark on this ballot other than the mark in the box of your choice.

1. When you have indicated your votes, fold and seal this ballot in the envelope marked SECRET BALLOT and seal the envelope.

2. Place this Secret Ballot envelope in the larger envelope and clearly print or type your name, address, subordinate body and book number in the space provided in the upper left corner. Also, be sure to SIGN your name in the space provided.

3. Seal this pre-addressed, postage-paid envelope and mail as soon as possible. No postage is required if mailed in the United States.

4. Any return envelope on which the imprinted number is mutilated will void the ballot. This number is for security purposes only. All returned envelopes shall remain unopened until counted by the impartial balloting agency in the presence of the International Ballot Committee.

TEAR HERE

IMPORTANT – IN ORDER TO BE COUNTED YOUR BALLOT MUST BE RECEIVED IN NEW YORK BY MIDNIGHT, DECEMBER 21 st, 1971.

EXHIBIT X

CONSTITUTION
and
BY-LAWS
of
Local 88
of the
International Organization
of
Masters, Mates & Pilots

As Adopted by Membership
Referendum — July 6, 1961

EXHIBIT Y

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EXHIBIT Y

Preamble

We, the members of Local 88 of the International Organization of Masters, Mates & Pilots of America, for the safeguarding of democratic procedures and the rights of the membership in an organization predominantly seafaring and for the promotion and improvement of our economic welfare and professional standards that the best interests of the membership may be better served, do hereby adopt these By-Laws and Rules of Order until such time that circumstances may decree changes or amendments by a majority vote of those voting in a secret referendum ballot.

Article I

Authority of the Membership

Full and final authority of Local 88 shall reside in the membership. This authority shall be delegated or exercised by the membership at Regular or Special meetings, or when properly initiated by membership referendum. In between referenda or meetings or at other times when the membership cannot exercise their authority as provided herein, this authority shall be exercised by the Executive Committee or by the duly elected officials. Nothing in this Constitution and By-Laws shall be construed as removing the full and final authority of the membership of Local 88.

Any ARTICLE or Section within this Constitution and By-Laws that is in direct conflict with any State or Federal Law shall be inoperative, but the same shall not void this instrument in its entirety.

EXHIBIT Y

Article II
Eligibility for Membership

Section 1. Persons eligible for membership in this organization shall possess a valid United States Coast Guard Merchant Marine Officer's license.

Article III
Elective Officers and Tenure

Section 1. The paid elective officers of this Local shall consist of a President, First and Second Vice-Presidents, Secretary-Treasurer and three Patrolmen.

Section 2. The term of each office shall be two years.

Section 5. When any elected official of Local 88 is elected to a paid office in the International Organization of Masters, Mates, & Pilots, he shall resign from his Local office.

Section 6. No member rejected by the membership in any referendum election shall be given any appointive employment whatsoever in the Organization during the term following said referendum election.

Section 7. For the duration of their terms in office, elected officials shall be required to post their licenses in a conspicuous place in the office of the Organization.

Article IV
Minimum Qualifications for All Candidates

Section 2. The licenses of all candidates shall be valid. No candidate may have an expired, suspended or revoked license.

Section 3. Nominees shall be men of good moral character. They shall not have been convicted of a felony within the last five years prior to their nomination, nor have ever been found guilty by a court, union tribunal or the membership of an offense involving union trust such as offering a bribe to a union official, accepting a bribe as a union official, or conspiring to subvert the union contract.

Section 4. No member may be a candidate for more than one paid elective office in any election.

Section 5. No candidate may be an active member of another union. He shall submit an affidavit attesting that he has severed all active participation in such organization.

Section 6. All provisions of this Constitution and By-Laws relating to election processes and the positions of officers and representatives as defined and enumerated herein shall be effective for the term of office commencing January 1, 1962.

BEST COPY AVAILABLE

EXHIBIT Y

Article V
Nomination and Election of Officers

Section 1. Nominations for officers of Local 88 shall be made in the first Regular meeting held during July of each election year. Nominations shall be made by any full book members of Local 88 in good standing and seconded by another full book member of Local 88 in good standing. Any members in current good standing may also nominate or second candidates for office in writing or through telegraphic or radiogram communications to the Secretary-Treasurer. Nominations made by mail, telegram or radiogram must be received prior to the second meeting in July. The Secretary-Treasurer shall prepare a list of all nominees and have this list conspicuously posted in the offices and meeting rooms of Local 88. He shall also notify all nominees of their nomination as soon as possible and said list shall be published in the Organization's official publication.

Section 2. A nominee who desires to become a candidate must notify the Secretary-Treasurer in writing prior to the first Regular membership meeting in August of the specific office for which he intends to become a candidate. If a nominee is present at the first Regular meeting in August, he may have it entered in the minutes that he accepts the nomination.

Section 3. An Election and Ballot Committee of seven full book members in good standing, five (5) of whom shall constitute a quorum, shall be elected at the first Regular meeting in July and they shall prepare the Ballot. No candidate shall be eligible for election to this committee. It shall also be the duty of this committee to determine

that each nominee is fully qualified to be a candidate. All documentary evidence of eligibility presented by the nominee shall be thoroughly screened by this committee. Each candidate shall submit a notarized statement that he is not disqualified by the Labor-Management Reporting and Disclosure Act of 1959. Subject to the approval of the membership, the Election and Ballot Committee shall select a certified disinterested organization to conduct the referendum for the election of officers. At the first Regular membership meeting following the election, the Election and Ballot Committee shall report the balloting results to the members. In addition to the duties specified herein, any Election and Ballot Committee shall also act as observers and verify all counts in the tally of votes cast in any referendum ballot conducted in conjunction with these general elections.

Section 4. Any nominees or candidates challenging the rules or decisions of the Election and Ballot Committee may submit such challenge, on notice to the Committee, for approval or rejection by the members, not later than the last Regular membership meeting in August.

Section 5. There shall be a minimum of a ninety (90) day voting period for the election of officers. At the outset of and during the said election period, each candidate shall be allowed equal space in the Organization's official publication to present his qualifications, views and photograph. A certified mailing list of all members of Local 88 shall be made available at cost to all candidates, provided, however, that any postage charges shall not be billed to this Organization. The Election and Ballot Committee shall instruct the agency conducting the balloting

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to have ballots mailed to all full book members who are not over six months in arrears in their dues and assessments as of September 1st. The election shall be concluded by December 15th and successful candidates notified as soon as possible. Installation of the newly elected officials shall take place at the first Regular membership meeting in January.

Article VI
Duties of Officers

Section 1. President — The President shall be the Executive Officer and shall, with the complete assistance of all members of the Executive Committee, enforce the International and Local Constitutions and By-Laws. He shall enforce all provisions of the collective bargaining agreements. He shall settle, if possible, all disputes, interpretations, grievances or complaints arising over such enforcement, or lack thereof. In assuming those responsibilities, the Vice-Presidents, Patrolmen and Dispatchers shall function under his direct supervision and orders. He shall have the right to attend and express his views at any meetings of all Union Committees. It shall be the explicit responsibility of the President of Local 88 not only to enforce the Shipping Rules fairly and equitably, but also for the proper maintaining of all shipping records in the Dispatcher's Office as outlined in Section 6 of this ARTICLE.

He shall be a delegate to all city, district, state and national industry labor councils and conventions with which the Organiz-

tion is affiliated and where representation is required. He shall not be a Delegate to the International Convention of the International Organization of Masters, Mates & Pilots unless elected as such on a referendum ballot. He shall, as Executive Officer of this Organization, be on all committees of the International Organization to represent Local 88. When available, he may chair any membership meeting. He shall report to the membership at each Regular meeting on the activities of his office for their approval or rejection.

Section 2. Vice-Presidents — It shall be the duty of the First and Second Vice-Presidents to assist the President in the discharge of his duties, as outlined in Section 1 of this ARTICLE, and such other duties as the Organization may require. The First Vice-President, or the Second Vice-President, if the former is not available, shall act instead of the President during the latter's absence.

Section 3. Secretary-Treasurer — The Secretary-Treasurer shall receive all monies payable to the Organization, either directly or through its authorized officers and issue official receipts for same. He shall be responsible for all records, any bonds, or any other finances or properties belonging to Local 88. All financial records and accounts shall be kept in accordance with accepted accounting procedures. They shall be subject to a quarterly public audit and an annual certified audit. These financial reports shall be published in the Organization's official publication. He shall, with the President, or in the latter's absence, with the First or Second Vice-Presidents, sign all checks in payment of the Organization's obligations. In the absence of the Secretary-Treasurer, which will include vacation, sick

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leave, leave-of-absence or any leave where during such period he relinquishes his duties, the President and either the First or Second Vice-Presidents shall have authority to sign checks for Local 88 and carry out his duties.

He shall make a financial report at Regular membership meetings covering monies received, expended, bank balances and any other details relating to the duties of his office. He shall keep on file the original proceedings of all Regular and Special membership meetings and those of the Executive Committee. He shall post the true copies of these proceedings on the bulletin boards in the meeting rooms of the Organization not less than twenty-four hours prior to the next Regular membership meeting. He shall issue all probationary cards, Regular Membership books, transfers and withdrawal cards. These activities shall be reported to the membership for approval or rejection. He shall, at the expiration of his term of office, or earlier if recalled, surrender to his successor all books, papers, funds and any and all properties belonging to Local 88 in the presence of the incoming Executive Committee.

Section 4. Patrolmen — The three Patrolmen shall contact all contracted vessels upon their arrival in, and prior to, their departure from the Port of New York. They shall keep the seagoing and hospitalized members informed of union affairs, distribute the Organization's official publications, collect dues, be certain that all vacancies are properly filled, settle all disputes and complaints wherever possible, and otherwise enforce the collective bargaining agreements.

They shall maintain a log of their activities. Such log shall contain the names of all vessels visited, hours visited, the vacation status of each member and other appropriate personnel data. Whenever possible they are to submit reports at each Regular membership meeting in person or in writing.

Section 5. Dispatchers — The Chief and Assistant Dispatchers, either elected or non-member employees, shall be responsible for registering members for Night Relief Officer and offshore employment. Such registrations shall be in compliance with these By-Laws as to being in good standing and validity of licenses. All job assignments shall be made with strict adherence to the Shipping Rules. The Dispatchers shall maintain proper, adequate and complete shipping records of all jobs filled, of members cleared as company employees and of all offshore shipping cards validated. The Dispatchers shall notify any member whose offshore shipping status may have become invalidated by reason of non-compliance with any requirement in the Shipping Rules. A shipping list of all members registered for offshore assignments shall be compiled monthly and conspicuously posted in the hall. A copy of said list shall be mailed to all other Locals of the Organization.

If any member of Local 88 elected as a Dispatcher is derelict in his duties to the membership, the President shall invoke ARTICLE XX, Section 1, of the International Constitution and ARTICLE XIX of this Constitution and By-Laws. Any non-member employed as a Dispatcher may be discharged for cause by the President, subject to the approval of the next Regular membership meeting.

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Section 6. The positions of Dispatcher shall be filled as follows: two professional office workers.

Section 7. Whenever the circumstances require, all elected officials, with the exception of the President and the Secretary-Treasurer, are to be rotated in the positions of Patrolmen and Dispatcher.

Article VII
Salaries of Elected Officers

Section 1. The President and Secretary-Treasurer shall be paid the monthly base wage scale as provided in the Atlantic and Gulf Coast Dry Cargo Agreement for Masters of Class "C" vessels.

Section 2. The Vice-Presidents, Patrolmen and any elected Dispatchers shall be paid the monthly base wage scale, plus the non-watchstanding pay, as provided in the Atlantic & Gulf Coast Dry Cargo Agreement for Chief Mates of Class "C" vessels.

Section 3. The Patrolmen shall be allowed a weekly expense account of twenty-five dollars ($25.00) for travel expenses when on patrol duty in the Port of New York and thirty dollars ($30.00) for areas outside the New York Metropolitan district.

Section 4. All monthly salary scales of elected officers as contained herein shall be automatically adjusted in accordance with any changes in the Atlantic & Gulf Coast Dry Cargo Agreement. The salary and weekly allowance structure as outlined above shall always be subject to review by a mail referendum of the entire membership.

Section 5. All paid elected officials and employees shall be bonded according to the provisions of the Federal Law. The premium thereon shall be paid by this Organization.

Section 6. Local 88 shall contribute to the Organization's Pension and Welfare Plan to cover all elected officers and any temporary member-employees.

Section 7. Elected officials shall be granted one month annual paid vacation.

Section 8. During any general strike, work stoppage or lockout involving the Dry Cargo Agreement and which affects Local 88, all salaries of elected officers shall be suspended immediately until such above-mentioned action is over. They shall, however, be eligible for any benefits allowed to members performing picket duty.

Section 9. During their terms of office, elected officers and temporary member-employees shall not be registered on the shipping lists.

Article VIII
Temporary Patrolmen and Non-Member Employees

Section 1. In any circumstances which require additional personnel to provide adequate coverage of the waterfront, the Executive Committee shall engage temporary Patrolmen subject to a majority vote of approval of a specific motion at the next Regular or Special membership meeting. If the circumstances warrant, they shall continue in employment only until the next

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Regular membership meeting following the original vote of approval, at which time they shall be discharged, or employment continued, by vote of that membership meeting. Further, such temporary Patrolmen are not to serve on the Local's Executive Committee and wages and allowances shall be those of the regularly elected Patrolmen.

Section 2. All non-member office employees of the Organization not otherwise provided for shall be engaged by the Secretary-Treasurer with the approval of the Executive Committee. They shall receive salaries and vacations commensurate with the prevailing pay scale for the type of work performed.

Article IX
Membership Meetings

Section 1. The Regular meetings of this Organization must be held in the Union Hall on the second and fourth Wednesdays of each month at 1300. Should any of these meeting days be a holiday, the meeting shall convene the next day at the regular time.

Section 2. If the number of members registered on the Shipping Lists is more than triple the capacity allowed in the Union Meeting Hall, the Secretary-Treasurer shall, if deemed necessary and on reasonable notice to the membership, make all necessary arrangements for convening the meeting in a larger hall.

Section 3. Special meetings may be called by the President, a quorum of the Executive Committee, or upon the written request of fifty members in good standing. Notice of a Special meeting and its stated purpose,

except in a strike situation, shall be mailed to all members at least seventy-two hours before convening, a notice posted on the Organization's bulletin boards and all contracted ships in the Port of New York alerted. No other business than that for which the meeting was called shall be transacted.

Section 4. At all meetings fifty members of Local 88 in good standing shall constitute a quorum for the transaction of business.

Section 5. At Regular or Special membership meetings, the Chairman shall be any Local 88 member in good standing elected from the floor.

Section 6. Meetings must be called to order by an official of Local 88. However, if no officials are available or if they refuse, any full book member of Local 88 in good standing may call the meeting to order for the purpose of electing a Chairman and a Recording Secretary. Such a meeting shall be considered official.

Article X
Committees

Section 1. With the exception of the Executive Committee, all committees shall be elected at any Regular or Special membership meetings. No elected official shall be eligible for election to any committee, other than a strike committee. They shall consider only those matters for which they were elected. All decisions, interim and otherwise, shall be approved or rejected at the next Regular membership meeting.

Section 2. Executive Committee — The Executive Committee of this Organization shall be composed of the elected officers:

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the President, First and Second Vice-Presidents, Secretary-Treasurer and the three Patrolmen. The President shall be Chairman. The Committee shall convene on the Monday prior to each Regular membership meeting. If a holiday falls on such Monday, then it shall convene on the preceding Friday. Special meetings may be called by the President or by three of its members. A majority shall constitute a quorum. It shall have the authority to consider any and all matters affecting the welfare of the Organization. Any action taken shall be subject to approval, rejection or amendment at the next Regular membership meeting.

Section 3. Auditing Committee — At the last Regular membership meeting of each month there shall be elected an Audit Committee of five members in good standing, three of whom shall constitute a quorum. They shall examine the Secretary-Treasurer's financial report, audit all bills and report back at the next Regular membership meeting.

Section 4. Grievance Committee — A Grievance Committee of twelve full book members in good standing, five of whom shall constitute a quorum, shall be elected as a standing committee to consider any and all grievances brought before it. This committee shall meet regularly and the time of such convening shall be posted conspicuously in the Union's meeting hall. When any members of this committee, by reason of employment offshore or otherwise, are no longer able to serve and it is necessary for the committee to function, replacements shall be elected at the eleven or two o'clock job calls, provided however, that one or more of the regularly elected committee members are present. These new committee members shall be elected pro tem until the

next Regular membership meeting. Any and all decisions of the Grievance Committee shall be reported to the next membership meeting for approval or rejection.

Section 5. Membership Committee — A membership committee of seven full book members in good standing, five of whom shall constitute a quorum, shall be elected as a standing committee to consider any and all applicants for initiation, probationary members applying for full book membership, reinstatements and transfers-in. Any vacancies occurring in the membership of this committee and reports to be made to the membership shall be in accordance with Section 4 of this ARTICLE.

Section 6. Strike Committee — A Strike Committee of a minimum of nine full book members of Local 88 shall be elected at any Regular or Special membership meeting whenever the circumstances warrant. This committee shall elect its own Chairman. Such committee shall coordinate their functions with the regularly elected officials. It shall be their duty to establish picket lines and otherwise make the strike complete and effective on a twenty-four hour basis. Picket cards shall be issued and complete and accurate records maintained. Strike clearances shall be issued by the Strike Committee only. After said committee has been dissolved, strike clearances shall be issued by the standing Grievance Committee only, subject to the approval of the membership at the next Regular membership meeting.

Section 7. In a strike situation a Strike Grievance Committee consisting of five members and two alternates, all of whom shall be full book members of Local 88 in good standing, shall be elected at a mem-

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bership meeting. Appeals from the actions of the Strike Committee shall be considered by this special committee which is empowered to affirm or reverse the actions of the Strike Committee. Appeals from this Strike Grievance Committee may be taken for approval or rejection to a Regular membership meeting.

Section 8. Trial Committee — Any elected Trial Committee and its procedures shall be in accordance with the provisions of the International Constitution.

Article XI
Income and Assets

Section 1. The income of this Organization shall be from Initiation Fees and monthly dues as provided in the International and Local Constitutions and By-Laws, assessments, interest on bonds, stocks, bank deposits and money received from any other source, including rentals from the Organization's property located at 105-107 Washington Street, New York City, New York.

Section 2. Dues shall be as the membership may from time to time decide, providing they are not less than the prescribed minimum as set forth in the International Constitution. Any increase of dues or the levying of any assessment in Local 88 shall be determined by a majority vote of the membership in good standing in a referendum ballot.

Section 3. The payment of dues or any assessments to remain in good standing shall be in accordance with the requirements of the International Constitution.

Section 4. Title to all real estate owned in a corporate name or otherwise, including the assets of the 105 Washington Street Corporation, shall be and remain the property of Local 88. The shares of stock of the 105 Washington Street Corporation shall be held by five Shareholder Trustees, members of Local 88 in good standing, who shall elect the officers and directors of the corporation from amongst themselves. The two elected officers of the Organization receiving the highest number of votes in the regular referendum election shall serve as Shareholder Trustees. The other three shall be nominated and elected in the same manner and for the same period as the officers of Local 88.

Shareholders shall have the right to vote an equal proportion of the shares held in trust for Local 88 at any meeting. Certificates of shares issued to the Shareholder Trustees in trust for Local 88 shall be delivered to the Secretary-Treasurer for safekeeping. No Shareholder Trustee shall have any authority to endorse or transfer said shares without the consent of a Regular membership meeting, or to vote said shares without such consent, except in the routine business of the said corporation.

A referendum ballot, to be decided by a majority vote of the membership, must be conducted to approve or disapprove the sale of, mortgage or purchase of any real property of Local 88.

Section 5. When called into session to consider and make decisions concerning the affairs of the 105 Washington Street Corporation, the three elected as Shareholder Trustees shall be paid the prevailing hourly wage of Night Relief Officers.

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Section 6. There shall be a quarterly audit and an annual certified audit of all accounts at the end of each fiscal year. All audits shall be reported to the membership and printed in the Local's official publication. Subject to operating necessities and at the end of each year, the excess income, if any, from the 105 Washington Street Corporation, shall be transferred to the Local.

Article XII
Funds

Section 1. The Organization's current Operating Fund shall be in a New York City bank covered by the Federal Deposit Insurance Corporation. This account shall not exceed forty thousand dollars ($40,000.00). Whenever the Operating Fund exceeds the stipulated amount, any excess funds may be placed in membership-approved investments or deposited in a Reserve or Savings Account, whichever is more advantageous to the Organization. All investments and bank accounts shall be in the name of Local 88, International Organization of Masters, Mates & Pilots.

Section 2. Any funds withdrawn from the Reserve or Savings Account shall only be made under the following conditions:

(a) There shall be presented to the bank a resolution adopted by a majority vote in any membership meeting authorizing the President and Secretary-Treasurer to make withdrawals from such funds.

(b) Any resolution authorizing such withdrawals shall stipulate the amount to be transferred into the Operating Fund, any

Strike Emergency Fund, or any other fund authorized by the membership.

(c) Such resolutions shall be signed by the President or by the Secretary-Treasurer and by not less than ten members in good standing of Local 88 before being presented to a membership meeting for approval or rejection.

Section 3. No Government Bonds or other securities owned by Local 88 shall be cashed, traded or negotiated without membership authorization as specified in Section 2 (a) of this ARTICLE.

Article XIII
Convention Delegates

Section 1. Nomination and election of Delegates and Alternates of the International Convention shall take place at the same time and in the same manner as provided for other elected officers.

Section 2. In addition to the maximum number of elected Delegates to the International Convention as allowed by the International Constitution, a like number of Alternates shall also be elected.

Article XIV
Resignations, Vacancies and By-Elections

Section 1. Any officer of this Organization, providing no charges of violating his oath of office or illegally using such office for personal gain are pending against him, may resign from office. Such resignation

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shall be dated and shall be presented in writing to the President or Secretary-Treasurer. Any resignation shall take effect immediately and two true copies shall be posted in a conspicuous place in the Hall of Local 88.

Section 2. Should the Secretary-Treasurer's office become vacant, the President shall perform the duties of this office until such vacancy is filled as hereinafter provided.

Section 3. If a vacancy occurs by death, resignation or otherwise where the unexpired term is six months or less, it shall be filled pro tem by the Executive Committee until such appointee be approved or rejected by a majority vote of the members at the first Regular membership meeting thereafter. If such pro tem appointee is not approved he shall immediately vacate the office and the Executive Committee shall make another interim appointment until the next Regular membership meeting. At the said meeting, as the first order of business, nominations shall be made and an election held to fill the pro tem vacancy. The membership shall be notified by mail at least one week prior to the convening of this meeting and of such scheduled nomination and election.

Section 4. Filling a vacancy in any elected office for an unexpired term in excess of six months shall be determined by a referendum election. Nominations for such unexpired term shall follow the procedure outlined in Section 3 of this ARTICLE. The ballot shall be prepared and the referendum

conducted as required in ARTICLE V. The interval between the vacancy and the completion of the referendum election shall be filled as mentioned in Section 3 of this ARTICLE.

Article XV
Transfers, Withdrawals and Reinstatements

Section 1. Transfers to other Locals, withdrawals, and reinstatements shall be issued in accordance with the provisions of the International Constitution of Masters, Mates and Pilots and as hereinafter provided.

Section 2. No transfers or withdrawals shall be granted during any general strike, lockout or work stoppage.

Article XVI
Initiatives, Suspensions, Recalls and Changes in By-Laws

Section 1. Any elected officer of this Organization shall be automatically suspended without pay, if written charges of perjury, fraud, malfeasance, dereliction of duty or any other charges of misconduct are preferred against him with the approval of a majority vote in any Regular meeting of at least two hundred (200) members in good standing. A suspension shall not de-

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prive a candidate from running for office.

Section 2. If found guilty under the trial procedures as prescribed in the International Constitution or this Constitution and By-Laws of the charges preferred against him, his office shall be declared vacant. Should the suspended officer be cleared of such charges, however, he shall be reinstated with all back wages.

Section 3. (a) It shall be the right of any member in good standing of this Organization to initiate a ninety-day mail referendum vote on any changes to or deletions from this Constitution and these By-Laws, a recall of any elected officer, resolutions affecting dues, assessments, the Shipping Rules or on any other matters affecting the interests of the membership.

(b) When such a resolution is signed by full book members in good standing equaling in number at least ten percent of the total membership in Local 88, the Secretary-Treasurer shall be mandated to authorize a referendum ballot of the membership, as hereinafter provided in Section 3 (d) of this ARTICLE. Ballots shall be sent to all full book members not over six months in arrears at the time of mailing such ballots. If the resolution or resolutions are sustained by a two-thirds vote of the valid ballots cast, such approval shall be made effective immediately, unless otherwise prescribed by the resolution.

(c) After a resolution or petition has been signed as required by Section 3 (b) of this ARTICLE, a Ballot Committee shall be elected at the next Regular membership meeting to certify the validity of the signatories to the resolution and to initiate and supervise the referendum balloting. Such

referendum shall be conducted in the same manner as prescribed in ARTICLE V. Any resolutions or petitions appearing on any referendum ballot shall express the true and exact meaning and intent of the resolution or petition originally submitted to the membership.

(d) Any petition or resolution which contains obviously false or misleading statements may be disqualified by a two-thirds majority vote at any two consecutive membership meetings. Further, referenda shall not be conducted more frequently than once each six months. The months of March and September shall be the said mail referendum periods and any resolutions which have been properly submitted during the six months' interval shall be incorporated in one referendum. The only exception to this provision for an immediate referendum shall be any resolution signed by twenty percent of the membership in good standing of Local 88.

Article XVII
Strikes

Section 1. Any strike shall be in accordance with the Constitution of the International Organization of Masters, Mates & Pilots.

Section 2. When any strike has been authorized and a vessel is to remain at anchor, the Master may stay aboard if required, providing no attempt to shift the vessel to a loading berth or to another port is made. Should any such vessel be shifted from anchorage to a dock for reasons of security only, the Master shall leave such vessel as soon as she is secured alongside.

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Section 3. A delegate and an alternate shall be elected by a Regular membership meeting to any Negotiating Committee. Last employer offer at any negotiations shall always be reported to the Executive Committee who shall instruct him prior to any strike vote.

Article XVIII
Official Publication

Section 1. An official publication of this Organization, to be distributed free of charge to all members, shall be published semi-monthly, but never less than once each month. In addition to news items and comment of interest to those in the maritime industry, it shall also publish the reports given by the President, Secretary-Treasurer and Patrolmen at membership meetings. Its columns shall be open to the members for an expression of their opinions, petitions and resolutions. Space shall be available in each issue for the opinions of those holding contrary views on any matter concerning this Organization. For purposes of responsibility, the Local Executive Committee shall constitute the publication's Editorial Board.

Section 2. At the outset of any election, equal space shall be provided for all candidates to express their views and to present their backgrounds as also provided for in ARTICLE V, Section 5.

Section 3. The editor shall be nominated by the Executive Committee subject to the approval of the membership. His salary shall be commensurate with that received by others editing similar news publications.

Article XIX
Trial Procedures, Penalties and Appeals

Section 1. When any member or officer is found guilty of fraudulently obtaining or illegally using any funds or property of the Organization, bribery of, or extortion by any officer, in addition to expulsion, it shall be the responsibility of the Executive Committee of Local 88 to immediately report all the facts concerning said official to the proper prosecuting officials.

Section 2. Whenever any charges of violating the provisions of the International Constitution, the Constitution and By-Laws of Local 88, the Shipping Rules, the collective bargaining agreements, any acts of a libelous or slanderous nature toward another member or acts of misconduct while employed aboard any contracted vessel have been preferred against any member such charges with specifications shall be presented in writing to the Local's President for investigation and reference to the Executive Committee. It shall be the responsibility of this committee, after examining the evidence submitted and within a reasonable time to recommend, at a Regular membership meeting whether or not there is a reasonable basis for a trial on said charges. Should the member lodging the charges feel aggrieved by the decision of the Executive Committee, he may refer his complaint to the Grievance Committee.

Section 3. In considering any written charges and specifications against a member, the procedure followed by any Trial Committee shall be in accordance with the provisions of the International Constitution.

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No elected officer of this Organization or members employed by Local 88, however, shall be eligible for election to any Trial Committee. The trial proceedings shall be public unless the accused wishes otherwise. All Trial Committee testimony and findings shall be recorded by a certified public stenographer if the accused so desires, paid for by this Organization and a copy thereof given to the accused. Any Trial Committee's findings shall be written and shall be final unless rejected by a two-thirds majority secret vote at the next Regular membership meeting. Notification of charges and results of the trial shall be printed in the Local's official publication and all other Locals notified.

Section 4. The decisions and penalties that the Trial Committee may impose may consist of reprimands, fines, suspensions, revocation of certain privileges of membership or expulsion. Any member disciplined by this Organization shall not be denied the right to work until he shall have exhausted all remedies of appeal as prescribed in the International Constitution, provided such appellate remedies are expeditiously utilized.

Section 5. Any member having been duly found guilty of any offense as prescribed in these By-Laws, or otherwise, shall have the right of a speedy appeal to the Local's Executive Committee. The appellant shall make a written appeal to the Local's Executive Committee by registered post or personal service and the said appeal shall be heard within the following ten (10) day period, unless the appellant requests otherwise. The decision of the Local's Executive Committee shall be posted conspicuously in the hall of the Organization. Further, the

written findings and judgment of the Local Executive Committee shall be final unless rejected by a two-thirds majority secret vote in a Regular membership meeting.

Article XX
Rules of Order

The following Rules of Order will be utilized at all Regular membership meetings:

1. Call to order by the Chairman.
2. Roll call of officers.
3. Reading minutes of last meeting.
4. Admission of new members, reinstate members and transferees.
5. Reports of officers.
6. Reports of Committees:
   (a) Executive Committee
   (b) Membership Committee
   (c) Auditing Committee
   (d) Grievance Committee
   (e) Strike Committee
   (f) Trial Committee
7. Unfinished Business.
8. New Business.
9. Good and Welfare.
10. Adjournment.

Where not otherwise provided for in these By-Laws, Roberts Rules of Order shall prevail.

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INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS

AFFILIATED WITH AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
INTERNATIONAL TRANSPORTWORKERS' FEDERATION ⚓ RAILWAY LABOR EXECUTIVES' ASSOCIATION

520a

FOUNDED 1880

THOMAS F. O'CALLAGHAN
INTERNATIONAL PRESIDENT
CHARLES M. CROOKS
SECRETARY-TREASURER
WILLIAM M. CALDWELL
VICE PRESIDENT

39 BROADWAY
NEW YORK, N. Y. 10006
WHITEHALL 4-8508
⚓
Cables: BRIDGEDECK

April 30, 1971

TO ALL OFFSHORE DIVISION MEMBERS OF THE
INTERNATIONAL ORGANIZATION OF MASTERS,
MATES AND PILOTS

Dear Sirs and Brothers:

In developing the recently adopted International Constitution, Offshore Division By-Laws and Pilots Division By-Laws, your Officers voluntarily agreed to limit their current terms of office and to permit the membership immediate and complete exercise of their democratic right to elect representatives. Consequently, following conclusion of the July 1971 Convention, a ninety-day secret mail ballot will be held for the election of all elected International Officers, Offshore Division Officers, and Pilots Division Officers. Successful candidates will hold office for three years or until their successors are elected. No person may be a candidate for both a paid Division and paid International Office.

Enclosed are the notices of election of International and Offshore Division Officers. They contain a description of the positions which will appear on the ballot, nominating and balloting procedures which will be followed, and other important information concerning the elections. I strongly urge you to review the Constitution and By-Laws to become fully aware of your rights, responsibilities, etc., in connection with this election.

Final details concerning the ballots will be distributed after the International Ballot Committee and Impartial Balloting Agency (which will be elected at the July 1971 Convention) promulgate the final rules and procedures not covered by the Constitution.

Fraternally yours,

T F O'Callaghan

Thomas F. O'Callaghan
International President

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enc.

IT IS IMPORTANT THAT YOU ATTEND THE MAY MEMBERSHIP MEETING

EXHIBIT Z

NOTICE OF ELECTION OF INTERNATIONAL OFFICERS

521a

In accordance with the provisions of the International Constitution which became effective October 1, 1970, an election of International Officers shall be held in 1971. Detailed information concerning the nominating and election procedures may be found in the International Constitution. Outlined below are the *more significant* requirements and provisions dealing with the election, for your guidance. All members and candidates are urged to read the actual Constitutional provision: Article V, Article XIII.

Officers to be Elected

International President (and Convention Delegate)
International Executive Vice President (and Convention Delegate)
International Secretary-Treasurer (and Convention Delegate)

Eligible Candidates

To be eligible for nomination for International Office a member must, at the time of nomination:

a. Be a member in good standing; and

b. Have been a member of the Organization for four (4) years, two of which are immediately prior to nomination; and

c. Not be a candidate for another salaried office in the election.

Nomination Procedure

a. Nominations may be made at the July, 1971 Convention or may be made by petition signed by fifty (50) members in good standing. If made at the Convention, the mover must present a statement setting forth the nominee's name, last known address, qualifications, background and general experience.

If the nomination is by petition the same information as above must be included and the petition must be received by the International Secretary-Treasurer before nominations are closed at the July, 1971 convention.

b. Nominees will be notified by telegram or cable of their nomination.

c. Nominees must notify the International Secretary-Treasurer in writing of their acceptance of the nomination within ten (10) days after the close of nominations. The acceptance must include a certification that the nominee is not prevented by law or the International Constitution from holding office. Also within ten (10) days after the close of the nominations each candidate has the right to submit a statement (up to 200 words) which will appear on the ballot. If no statement is received or the submitted statement does not include the required information only the candidate's name will appear on the ballot.

d. Only candidates who are eligible and who have accepted nomination in the prescribed manner will appear on the ballot.

Balloting Procedures

a. The election will be supervised by the International Ballot Committee elected at the July, 1971 Convention. The election will be conducted by the Impartial Balloting Agency selected by a majority pro rata vote at the July, 1971 Convention.

b. Balloting will take place over a ninety day period after the date of mailing of the ballots by the Impartial Balloting Agency.

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NOTICE OF ELECTION OF OFFSHORE DIVISION OFFICERS FOR THE PORT OF NEW YORK

522a

Officers to be Elected

Offshore Vice President—Port Agent—Convention Delegate (formerly President, Local 88)
Executive Assistant Port Agent (formerly Secretary-Treasurer, Local 88)
Assistant Port Agent, No. 1 (formerly Vice President, Local 88)
Assistant Port Agent (4) (formerly Patrolman, Local 88)
Convention Delegates (4)
Alternate Convention Delegates (5)

Eligible Candidates

a. Full members of former Local 88 (as of 12/31/70) who are currently in good standing (as of 7/1/71), and
b. Members not prohibited by law from holding Union office.

Nominations

a. Nominations must be in writing,* made by one full member and seconded by another full member in good standing who were members as of 12/31/70 of former Local 88. The current mailing address of the nominee should be included, if possible.

b. Nominations must be addressed to Captain Frank T. Scavo at the New York Port Office and must be received in June 1971.

c. The Executive Assistant Port Agent must prepare a list of names of all nominees for each office and must conspicuously post it in the New York Port Office. He must also notify all nominees in writing of their nomination.

d. Each nominee must accept nomination no later than 1600 hours July 10, 1971. No nominee may accept nomination for more than one paid elected office. Such acceptance must be submitted to the Executive Assistant Port Agent in writing* and must include a notarized statement that the nominee is not prevented by law or by the By-Laws or Constitution from holding office.

e. Upon certification of the Ballot Committee, the full list of eligible candidates who will appear on the ballot shall be prepared and the list shall be distributed for posting, by the International Secretary-Treasurer.

f. Any appeal of an adverse decision of the Ballot Committee may be made to the July 1971 Convention.

* or through telegraphic or radiogram communications.

Distribution and Return of Ballots

a. All members in good standing as of July 1, 1971 who were members of former Local 88 as of 12/31/70 shall receive ballots.

b. Ballots shall be distributed by the impartial balloting agency. If a member has listed an office of the Organization or care of an Official as his last known address, a special notice will be sent informing the member that his ballot can only be obtained from the impartial balloting agency. All undelivered ballots will be returned to the impartial balloting agency.

Distribution of Campaign Literature

An independent mailing service in New York will be used for the mailing of campaign literature by candidates. Candidates will be required to submit such documents to the mailing service, along with payment of the necessary costs.

Candidates will be permitted to inspect the list of members who are eligible to receive ballots, in accordance with Federal law.

Balloting Committees

The eligibility of each accepting candidate will be certified to the International Secretary-Treasurer by a Ballot Committee which shall be elected prior to July 1, 1971, by each former Local. Seven full book members in good standing of former Local 88 (four of which shall constitute a quorum) shall constitute the Balloting Committee. No candidate for office may be a member of the Ballot Committee. The International Ballot Committee elected by the Convention shall supervise the election.

Impartial Balloting Agency

The impartial balloting agency selected by the Convention to conduct the election of International Officers shall also conduct the election of Offshore Division officers. It shall prepare the ballot for the election. It shall also select the independent mailing services.

Results of Election

Candidates who receive the highest number of votes shall be certified as elected by the impartial balloting agency.

EXHIBIT AA

NOTICE OF ELECTION OF OFFSHORE DIVISION OFFICERS FOR THE PORTS OF SAN FRANCISCO, SEATTLE, PORTLAND AND WILMINGTON (California)

523a

Officers to be Elected

Offshore Vice President—Port Agent (San Francisco)—Convention Delegate (formerly President, Local 90)
Executive Assistant Port Agent (San Francisco)—(formerly Executive Vice President, Local 90)
Port Agent (Seattle)—(formerly Seattle Representative, Local 90)
Port Agent (Portland)—(formerly Portland Representative, Local 90)
Port Agent (Wilmington)—(formerly Wilmington Representative, Local 90)
Assistant Port Agent No. 1—(formerly first Vice President, Local 90)
Assistant Port Agent (2)—(San Francisco)—(formerly San Francisco Patrolman, Local 90)
Dispatcher (San Francisco)—(formerly San Francisco Dispatcher, Local 90)
Assistant Port Agent (1) (Wilmington)—formerly Wilmington Patrolman, Local 90)
Convention Delegates (4)

Eligible Candidates

a. Full members of former Local 90 (as of 12/31/70) who are currently in good standing (as of 7/1/71), and
b. Members not prohibited by law from holding Union office.

Nominations

a. Nominations must be in writing* and signed by two or more full members in good standing (who were members as of 12/31/70) of former Local 90. The current mailing address of the nominee should be included, if possible.

b. Nominations must be addressed to Captain Orion A. Larson at the San Francisco Port Office and must be received in June 1971.

c. The San Francisco Executive Assistant Port Agent must prepare a list of names of all nominees for each office and distribute the list to all Port Offices. The list must be conspicuously posted in each office. He must also notify all nominees in writing of their nomination.

d. Each nominee must accept nomination no later than 1600 hours July 10, 1971. No nominee may accept nomination for more than one paid elected office. Such acceptance must be submitted to the Executive Assistant Port Agent in writing* and must include a certification that the nominee is not prevented by law or by the By-Laws or Constitution from holding office.

e. Upon certification of the Ballot Committee, the full list of eligible candidates who will appear on the ballot shall be prepared and distributed for posting, by the International Secretary-Treasurer.

* or through telegraphic or radiogram communications.

f. Any appeal of an adverse decision of the Ballot Committee may be made at the July 1971 Convention.

Distribution and Return of Ballots

a. All members in good standing as of July 1, 1971, who were members of former Local 90 as of 12/31/70 shall receive ballots.

b. Ballots shall be distributed by the impartial balloting agency. If a member has listed an office of the Organization or care of an Official as his last known address, a special notice will be sent informing the member that his ballot can only be obtained from the impartial balloting agency. A list of such special notice ballots shall be posted on bulletin boards at all offices. All undelivered ballots will be returned to the impartial balloting agency.

Distribution of Campaign Literature

An independent mailing service in San Francisco, Seattle, Portland and Wilmington (California) will be used for the mailing of campaign literature by candidates. Candidates will be required to submit such documents to the mailing service, along with payment of the necessary costs.

Candidates will be permitted to inspect the list of members who are eligible to receive ballots, in accordance with Federal law.

Balloting Committees

The eligibility of each accepting candidate will be certified to the International Secretary-Treasurer by a Ballot Committee which shall be elected prior to July 1, 1971 by each former Local. No candidate for office may be a member of the Ballot Committee. The International Ballot Committee elected by the Convention shall supervise the election.

Impartial Balloting Agency

The impartial balloting agency selected by the Convention to conduct the election of International Officers shall also conduct the election of Offshore Division officers. It shall prepare the ballot for the election. It shall also select the independent mailing services.

Results of Election

The candidates for the salaried Offshore Division offices must be elected by a majority vote of the members voting. If any candidate for a salaried Offshore Division office fails to receive a majority vote, a run-off election shall be held between the two candidates who polled the most votes for said office. The procedure shall be as prescribed in Article V, Section 3 of the International Constitution. The candidates for non-salaried offices shall be elected by a plurality of the votes cast.

The impartial balloting agency shall certify those candidates who have been elected.

EXHIBIT AA

NOTICE OF ELECTION OF OFFSHORE DIVISION OFFICERS FOR THE PORT OF NEW ORLEANS

524a

Officers to be Elected

Port Agent—(formerly President, Local 15)

Executive Assistant Port Agent—(formerly Secretary-Treasurer, Local 15)

Assistant Port Agent—(formerly First Vice President, Local 15)

Convention Delegates (5)

Eligible Candidates

a. Full members of former Local 15 (as of 12/31/70) who are currently in good standing (as of 7/1/71), and

b. Members not prohibited by law from holding Union office.

Nominations

a. Nominations must be in writing* and signed by two or more full members in good standing who were members as of 12/31/70 of former Local 15. The current mailing address of the nominee should be included, if possible.

b. Nominations must be addressed to Captain H. Landry at the New Orleans Port Office and must be received in June 1971.

c. The Executive Assistant Port Agent must prepare a list of names of all nominees for each office and conspicuously post the list in the Assembly Hall. He must also notify all nominees in writing of their nomination.

d. Each nominee must accept nomination no later than 1600 hours, July 10, 1971. No nominee may accept nomination for more than one paid elected office. Such acceptance must be submitted to the Executive Assistant Port Agent in writing* and must include a certification that the nominee is not prevented by law or by the By-Laws or Constitution from holding office.

e. Upon certification of the Ballot Committee, the full list of eligible candidates who will appear on the ballot shall be prepared and distributed for posting, by the International Secretary-Treasurer.

f. Any appeal of an adverse decision of the Ballot Committee may be made to the July 1971 Convention.

* or through telegraphic or radiogram communications.

Distribution and Return of Ballots

a. All members in good standing as of July 1, 1971, who were members of former Local 15 as of 12/31/70 shall receive ballots.

b. Ballots shall be distributed by the impartial balloting agency. If a member has listed an office of the Organization or care of an Official as his last known address, a special notice will be sent informing the member that his ballot can only be obtained from the impartial balloting agency. A list of such special notice ballots shall be posted. All undelivered ballots will be returned to the impartial balloting agency.

Distribution of Campaign Literature

An independent mailing service in New Orleans will be used for the mailing of campaign literature by candidates. Candidates will be required to submit such documents to the mailing service, along with payment of the necessary costs.

Candidates will be permitted to inspect the list of members who are eligible to receive ballots, in accordance with Federal law.

Balloting Committees

The eligibility of each accepting candidate will be certified to the International Secretary-Treasurer by a Ballot Committee consisting of five full book members which shall be elected prior to July 1, 1971. No candidate for office may be a member of the Ballot Committee. The International Ballot Committee elected by the Convention shall supervise the election.

Impartial Balloting Agency

The impartial balloting agency selected by the Convention to conduct the election of International Officers shall also conduct the election of Offshore Division Officers. It shall prepare the ballot for the election. It shall also select the independent mailing services.

Results of Election

Candidates who receive the highest number of votes shall be certified as elected by the impartial balloting agency.

EXHIBIT AA

NOTICE OF ELECTION OF OFFSHORE DIVISION OFFICERS FOR THE PORTS OF BALTIMORE, PHILADELPHIA, NORFOLK, SAVANNAH AND CHARLESTON

Officers to be Elected

Port Agent (Baltimore) and Convention Delegate—(formerly President-Business Agent, Local 14)
Port Agent (Philadelphia)—(formerly Port Agent—Philadelphia, Local 14)
Port Agent (Norfolk)—(formerly Port Agent—Norfolk, Local 14)
Executive Assistant Port Agent (Baltimore)—(formerly Secretary-Treasurer, Local 14)
Assistant Port Agent (Baltimore)—(formerly Baltimore Patrolman, Local 14)
Field Representative (Savannah)—(formerly Port Agent—Savannah, Local 14)
Field Representative (Charleston)—(formerly Port Agent—Charleston, Local 14)
Convention Delegates (4)

Eligible Candidates

a. Full members of former Local 14 (as of 9/30/70) who are currently in good standing (as of 7/1/71), and

b. Members not prohibited by law from holding Union office.

Nomination

a. Nominations must be in writing * and signed by two or more full members in good standing who were members as of 9/30/70 of former Local 14. The current mailing address of the nominee should be included, if possible.

b. Nominations must be addressed to Captain Charles Snow at the Baltimore Port Office, sent by registered mail, and must be received in June 1971.

c. The Baltimore Executive Assistant Port Agent must prepare a list of names of all nominees for each office and distribute the list to all Port Offices. The list must be conspicuously posted in each office. He must also notify all nominees in writing of their nomination.

d. Each nominee must accept nomination no later than 1600 hours July 10, 1971. No nominee may accept nomination for more than one paid elected office. Such acceptance must be submitted to the Executive Assistant Port Agent in writing* and must include a certification that the nominee is not prevented by law or by the By-Laws or Constitution from holding office.

e. Upon certification of the Ballot Committee, the full list of eligible candidates who will appear on the ballot shall be prepared and distributed for posting, by the International Secretary-Treasurer.

f. Any appeal of an adverse decision of the Ballot Committee may be made to the July 1971 Convention.

Distribution and Return of Ballots

a. All members in good standing as of July 1, 1971 who were members of former Local 14 as of 9/30/70 shall receive ballots.

b. Ballots shall be distributed by the impartial balloting agency. If a member has listed an office of the Organization or care of an Official as his last known address, a special notice will be sent informing the member that his ballot can only be obtained from the impartial balloting agency. A list of such special notice ballots shall be posted on bulletin boards at all offices. All undelivered ballots will be returned to the impartial balloting agency.

Distribution of Campaign Literature

An independent mailing service in Baltimore will be used for the mailing of campaign literature by candidates. Candidates will be required to submit such documents to the mailing service, along with payment of the necessary costs.

Candidates will be permitted to inspect the list of members who are eligible to receive ballots, in accordance with Federal law.

Balloting Committees

The eligibility of each accepting candidate will be certified to the International Secretary-Treasurer by a Ballot Committee composed of five members which shall be elected at a membership meeting in Baltimore prior to July 1, 1971. No candidate for office shall be a member of the Ballot Committee. The International Ballot Committee elected by the Convention shall supervise the election.

Impartial Balloting Agency

The impartial balloting agency selected by the Convention to conduct the election of International Officers shall also conduct the election of Offshore Division officers. It shall prepare the ballot for the election. It shall also select the independent mailing services.

Results of Election

Candidates who receive the highest number of votes shall be certified as elected by the impartial balloting agency.

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* or through telegraphic or radiogram communications.

EXHIBIT AA

NOTICE OF ELECTION OF OFFSHORE DIVISION OFFICERS FOR THE PORTS OF GALVESTON, HOUSTON AND PORT ARTHUR

526a

Officers to be Elected

Offshore Vice President—Port Agent (Galveston)— Convention Delegate (formerly President, Local 20)
Port Agent (Houston)—(formerly First Vice President, Local 20)
Port Agent (Port Arthur)—(formerly Second Vice President, Local 20)
Assistant Port Agent (Houston)—(formerly Third Vice President, Local 20)
Convention Delegates (2)

Eligible Candidates

a. Full members of former Local 20 (as of 12/31/70) who are currently in good standing (as of 7/1/71), and
b. Members not prohibited by law from holding Union office.

Nominations

a. Nominations must be in writing* and signed by two or more full members in good standing who were members as of 12/31/70 of former Local 20. The current mailing address of the nominee should be included, if possible.

b. Nominations must be addressed to Captain Connally at the Galveston port office and must be received in June 1971.

c. The Galveston Executive Assistant Port Agent must prepare a list of names of all nominees for each office and distribute the list to all three Port Offices. The list must be conspicuously posted in each office. He must also notify all nominees by telegram or cable of their nomination.

d. Each nominee must accept nomination no later than 1600 hours, July 10, 1971. Such acceptance must be submitted to the Executive Assistant Port Agent in writing* and must include a certification that the nominee is not prevented by law or by the By-Laws or Constitution from holding office.

e. Upon certification of the Ballot Committee, the full list of eligible candidates who will appear on the ballot shall be prepared and distributed for posting, by the International Secretary-Treasurer.

* or through telegraphic or radiogram communications.

f. Any appeal of an adverse decision of the Ballot Committee may be made to the July 1971 Convention.

Distribution and Return of Ballots

a. All members in good standing as of July 1, 1971, who were members of former Local 20 as of 12/31/70 shall receive ballots.

b. Ballots shall be distributed by the impartial balloting agency. If a member has listed an office of the Organization or care of an Official as his last known address, a special notice will be sent informing the member that his ballot can only be obtained from the impartial balloting agency. A list of such special notice ballots shall be posted on bulletin boards at all three offices. All undelivered ballots will be returned to the impartial balloting agency.

Distribution of Campaign Literature

An independent mailing service in Galveston will be used for the mailing of campaign literature by candidates. Candidates will be required to submit such documents to the mailing service, along with payment of the necessary costs.

Candidates will be permitted to inspect the list of members who are eligible to receive ballots, in accordance with Federal law.

Balloting Committee

The eligibility of each accepting candidate will be certified to the International Secretary-Treasurer by a Ballot Committee which shall be elected at the membership meetings in Galveston, Houston and Port Arthur prior to July 1, 1971. No candidate for office shall be a member of the Ballot Committee. The International Ballot Committee elected by the Convention shall supervise the election.

Impartial Balloting Agency

The impartial balloting agency selected by the Convention to conduct the election of International Officers shall also conduct the election of Offshore Division Officers. It shall prepare the ballot for the election. It shall also select the independent mailing services.

Results of Election

Candidates who receive the highest number of votes shall be certified as elected by the impartial balloting agency.

EXHIBIT AA

NOTICE OF ELECTION OF OFFSHORE DIVISION OFFICERS FOR THE PORTS OF MOBILE AND TAMPA

527a

Officers to be elected

Port Agent (Mobile) and Convention Delegate—(formerly President, Local 4)

Field Representative (Tampa) (formerly Representative, Local 4)

Eligible Candidates

a. Full members of former Local 4 (as of 12/31/70) who are currently in good standing (as of 7/1/71), and

b. Members not prohibited by law from holding Union office.

Nominations

a. Nominations must be in writing* and signed by two or more full members in good standing who were members as of 12/31/70 of former Local 4. The current mailing address of the nominee should be included, if possible.

b. Nominations must be addressed to Captain P. L. Mitchell at the Mobile Port Office and must be received in June 1971.

c. The Port Agent must prepare a list of names of all nominees for each office and conspicuously post the list in the assembly hall. He must also notify all nominees in writing of their nomination.

d. Each nominee must accept nomination no later than 1600 hours, July 10, 1971. No nominee may accept nomination for more than one paid elected office (International or any Division). Such acceptance must be submitted to the Port Agent in writing* and must include a certification that the nominee is not prevented by law or by the By-Laws or Constitution from holding office.

e. Upon certification of the Ballot Committee, the full list of eligible candidates who will appear on the ballot shall be prepared and distributed for posting, by the International Secretary-Treasurer.

f. Any appeal of an adverse decision of the Ballot Committee may be made to the July 1971 Convention.

Distribution and Return of Ballots

a. All members in good standing as of 7/1/71 who were members of former Local 4 as of 12/31/70 shall receive ballots.

b. Ballots shall be distributed by the impartial balloting agency. If a member has listed an office of the Organization or care of an Official as his last known address, a special notice will be sent informing the member that his ballot can only be obtained from the impartial balloting agency. A list of such special notice ballots shall be posted. All undelivered ballots will be returned to the impartial balloting agency.

Distribution of Campaign Literature

An independent mailing service in Mobile will be used for the mailing of campaign literature by candidates. Candidates will be required to submit such documents to the mailing service along with payment of the necessary costs.

Candidates will be permitted to inspect the list of members who are eligible to receive ballots, in accordance with Federal law.

Balloting Committees

The eligibility of each accepting candidate will be certified to the International Secretary-Treasurer by a Ballot Committee consisting of eight full members (five of which are the Committee and three of which are alternates), which shall be elected prior to July 1, 1971. Three members of the Ballot Committee shall constitute a quorum. No candidate for office shall be a member of the Ballot Committee. The International Ballot Committee elected by the Convention shall supervise the election.

Impartial Balloting Agency

The impartial balloting agency selected by the Convention to conduct the election of International Officers shall also conduct the election of Offshore Division officers. It shall prepare the ballot for the election. It shall also select the independent mailing services.

Results of Election

Candidates who receive the highest number of votes shall be certified as elected by the impartial balloting agency.

* or through telegraphic or daiogram communications.

EXHIBIT AA

NOTICE OF ELECTION OF OFFSHORE DIVISION OFFICERS FOR THE PORT OF BOSTON

Officers to be Elected

Port Agent—(formerly President, Local 11)
Assistant Port Agent—(formerly Secretary-Treasurer, Local 11)
Convention Delegates (2)
Alternate Convention Delegate (1)

Eligible Candidates

a. Full members of former Local 11 (as of 9/30/70) who are currently in good standing (as of 7/1/71), and
b. Members not prohibited by law from holding Union office.

Nominations

a. Nominations must be in writing* and signed by two or more full members in good standing who were members as of 9/30/70 of former Local 11. The current mailing address of the nominee should be included, if possible.

b. Nominations must be addressed to Captain Patrick J. King at the Boston Port Office and must be received in June 1971.

c. The Port Agent must prepare a list of names of all nominees for each office and conspicuously post the list in the assembly hall. He must also notify all nominees in writing of their nomination.

d. Each nominee must accept nomination no later than 1600 hours, July 10, 1971. No nominee may accept nomination for more than one paid elected office. Such acceptance must be submitted to the Port Agent in writing * and must include a certification that the nominee is not prevented by law or by the By-Laws or Constitution from holding office.

e. Upon certification of the Ballot Committee, the full list of eligible candidates who will appear on the ballot shall be prepared and distributed for posting, by the International Secretary-Treasurer.

f. Any appeal of an adverse decision of the Ballot Committee may be made to the July 1971 Convention.

* or through telegraphic or radiogram communications.

Distribution and Return of Ballots

a. All members in good standing as of July 1, 1971 who were members of former Local 11 as of 9/30/70 shall receive ballots.

b. Ballots shall be distributed by the impartial balloting agency. If a member has listed an office of the Organization or care of an Official as his last known address, a special notice will be sent informing the member that his ballot can only be obtained from the impartial balloting agency. A list of such special notice ballots shall be posted. All undelivered ballots will be returned to the impartial balloting agency.

Distribution of Campaign Literature

An independent mailing service in Boston will be used for the mailing of campaign literature by candidates. Candidates will be required to submit such documents to the mailing service, along with payment of the necessary costs.

Candidates will be permitted to inspect the list of members who are eligible to receive ballots, in accordance with Federal law.

Balloting Committees

The eligibility of each accepting candidate will be certified to the International Secretary-Treasurer by a Ballot Committee consisting of five members which shall be elected prior to July 1, 1971. No candidate for office shall be a member of the Ballot Committee. The International Ballot Committee elected by the Convention shall supervise the election.

Impartial Balloting Agency

The impartial balloting agency selected by the Convention to conduct the election of International Officers shall also conduct the election of Offshore Division Officers. It shall prepare the ballot for the election. It shall also select the independent mailing services.

Results of Election

Candidates who receive the highest number of votes shall be certified as elected by the impartial balloting agency.

EXHIBIT AA

NOTICE OF ELECTION OF OFFSHORE DIVISION OFFICERS FOR THE PORTS OF JACKSONVILLE AND MIAMI (SOUTHEAST FLORIDA)

Officers to be elected

Port Agent (Jacksonville) and Convention Delegate—(formerly President, Local 24)
Field Representative (Southeast Florida)—(formerly Representative, Local 24)
Convention Delegate
Alternate Convention Delegate

Eligible Candidates

a. Full members of former Local 24 (as of 12/31/70) who are currently in good standing (as of 7/1/71), and
b. Members not prohibited by law from holding Union office.

Nominations

a. Nominations must be in writing* and signed by two or more full members in good standing who were members as of 12/31/70 of former Local 24. The current mailing address of the nominee should be included, if possible.
b. Nominations must be addressed to Captain Allen C. Scott at the Jacksonville Port Office and must be received in June 1971.
c. The Port Agent must prepare a list of names of all nominees for each office and conspicuously post the list in the assembly hall. He must also notify all nominees in writing of their nomination.
d. Each nominee must accept nomination no later than 1600 hours July 10, 1971. No nominee may accept nomination for more than one paid elected office. Such acceptance must be submitted to the Port Agent in writing* and must include a certification that the nominee is not prevented by law or by the By-Laws or Constitution from holding office.
e. Upon certification of the Ballot Committee, the full list of eligible candidates who will appear on the ballot shall be prepared and distributed for posting, by the International Secretary-Treasurer.
f. Any appeal of an adverse decision of the Ballot Committee may be made to the July 1971 Convention.

* or through telegraphic or radiogram communications.

Distribution and Return of Ballots

a. All members in good standing as of July 1, 1971 who were members of former Local 24 as of 12/31/70 shall receive ballots.
b. Ballots shall be distributed by the impartial balloting agency. If a member has listed an office of the Organization or care of an Official as his last known address, a special notice will be sent informing the member that his ballot can only be obtained from the impartial balloting agency. All undelivered ballots will be returned to the impartial balloting agency.

Distribution of Campaign Literature

An independent mailing service in Jacksonville will be used for mailing of campaign literature by candidates. Candidates will be required to submit such documents to the mailing service along with payment of the necessary costs.

Candidates will be permitted to inspect the list of members who are eligible to receive ballots, in accordance with Federal law.

Balloting Committees

The eligibility of each accepting candidate will be certified to the International Secretary-Treasurer by a Ballot Committee consisting of three members which shall be elected prior to July 1, 1971. No candidate for office shall be a member of the Ballot Committee. The International Ballot Committee elected by the Convention shall supervise the election.

Impartial Balloting Agency

The impartial balloting agency selected by the Convention to conduct the election of International Officers shall also conduct the election of Offshore Division officers. It shall prepare the ballot for the election. It shall also select the independent mailing services.

Results of Election

Candidates who receive the highest number of votes shall be certified as elected by the impartial balloting agency.

EXHIBIT AA

NOTICE OF FLECTION OF OFFSHORE DIVISION OFFICERS FOR THE PORT OF PROVIDENCE

539a

Officers to be Elected

Port Agent and Convention Delegate (formerly President, Local 5)

Eligible Candidates

a. Full members of former Local 5 (as of 9/30/70) who are currently in good standing (as of 7/1/71), and
b. Members not prohibited by law from holding Union office.

Nominations

a. Nominations must be in writing* and signed by two or more full members in good standing who were members as of 9/30/70 of former Local 5. The current mailing address of the nominee should be included, if possible.
b. Nominations must be addressed to Captain John F. Beirne at the Providence Port Office and must be received in June 1971.
c. The Port Agent must prepare a list of names of all nominees for each office and conspicuously post a list in the assembly hall. He must also notify all nominees in writing of their nomination.
d. Each nominee must accept nomination no later than 1600 hours, July 10, 1971. No nominee may accept nomination for more than one paid elected office. Such acceptance must be submitted to the Port Agent in writing* and must include a certification that the nominee is not prevented by law or by the By-Laws or Constitution from holding office.
e. Upon certification of the Ballot Committee, the full list of eligible candidates who will appear on the ballot shall be prepared and distributed for posting, by the International Secretary-Treasurer.
f. Any appeal of an adverse decision of the Ballot Committee may be made to the July 1971 Convention.

Distribution and Return of Ballots

a. All members in good standing as of July 1, 1971 who were members of former Local 5 as of September 30, 1970 shall receive ballots.
b. Ballots shall be distributed by the impartial balloting agency. If a member has listed an office of the Organization or care of an Official as his last known address, a special notice will be sent informing the member that his ballot can only be obtained from the impartial balloting agency. A list of such special notice ballots shall be posted. All undelivered ballots will be returned to the impartial balloting agency.

Distribution of Campaign Literature

An independent mailing service in Providence will be used for the mailing of campaign literature by candidates. Candidates will be required to submit such documents to the mailing service along with the payment of the necessary costs.

Candidates will be permitted to inspect the list of members who are eligible to receive ballots, in accordance with Federal law.

Balloting Committees

The eligibility of each accepting candidate will be certified to the International Secretary-Treasurer by a Ballot Committee consisting of three members which shall be elected prior to July 1, 1971. No candidate for office shall be a member of the Ballot Committee. The International Ballot Committee elected by the Convention shall supervise the election.

Impartial Balloting Agency

The impartial balloting agency selected by the Convention to conduct the election of International Officers shall also conduct the election of Offshore Division Officers. It shall prepare the ballot for the election. It shall also select the independent mailing services.

Results of Election

Candidates who receive the highest number of votes shall be certified as elected by the impartial balloting agency.

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* or through telegraphic or radiogram communications.

EXHIBIT AA

Minutes of the Meetings of the

International Ballot Committee for the

1971 Election of International, Offshore Division

and Pilots Division Officers

I The meeting was called to order by Chairman Nelson at 1010 hours on Monday, August 30, 1971 at the offices of the International Organization.

Present were the following Committee members: R. Nelson-Chairman, J. Valensi-Secretary, P. Mitchell, L. Reynolds, and G. Eisenhaur.

Also present were M. Schwartz, International Counsel, J. Harold, J. Gaier, F. Scavo and K. Camisa.

II The Committee reviewed a request by Brother Amos Koonce, who had accepted nomination for both a paid Offshore Division office and a paid International office, that his name be withdrawn from the Offshore (Port of New York) ballot. Mr. Harold who served as Counsel to former Local 88 reported to the Committee on the past practice of local Ballot committees in removing a candidate's name from the ballot. It was noted that Mr. Koonce, his attorney and other candidates for office were waiting at the offices of the American Arbitration Association to present their case. Consequently, action on the request was delayed until the Committee could hear from the applicant.

III The committee also reviewed a request that membership lists be given to the candidates. Information concerning the past practice of former Local 88 was offered by Mr. Harold and Captains Gaier and Scavo. It was agreed to delay action on these requests until the applicants made their presentations.

IV It was observed that once the technical aspects of preparing the ballots were solved, the ballots should be printed and distributed without great delay. Motion was made, seconded and adopted to use the printer which printed the ballots for Constitutional amendments, Wirth-Strahler & Son, Inc., for the ballots for officers.

V The Ballot Committee recessed for lunch at 1140 hours.

VI The meeting was reconvened at 1340 hours 2/3o/71. in the offices of the American Arbitration Association, 140 West 51st Street, New York City. Present were all the members of the Committee, M. Schwartz, International Counsel; Mrs. M. Carlson and Mr. S. Tannenbaum (American Arbitration Association); Messrs. A. Koonce, L. Burlingame, V. Soto, H. Nereaux, L. Sheldon and their Counsel B. Hall; and Messrs. M. Weinstein, J. Gaier, F. Scavo and K. Camisa (Organization observers.)

VI The Committee heard the objection of Mr. V. Soto that the American Arbitration Association is conducting the election. In executive session, motion was made, seconded and adopted to confirm the Convention action selecting the A.A.A. to conduct the election.

EXHIBIT BB

533a

VII The Ballot Committee then listened to the appeal of Mr. A. Koonce and the circumstances in his case. He reiterated his request to be withdrawn from the Offshore (Port of New York) ballot for the office of Executive Assistant Port Agent and made a new request that he be withdrawn as a candidate for Convention Delegate. In executive session motion was made, seconded and adopted to include Mr. Koonce on the International ballot and to remove his name from the Offshore (Port of New York) ballot as a candidate for Executive Assistant Port Agent.

VIII Mr. Hall, on behalf of his clients Burlingame, Soto, Nereaux, Sorrentino, Morales, Clifford, Hemming and Seybert, requested that a copy of the mailing list of former Local 88 (now Port of New York) be given to any candidate who desired it. In executive session motion was made, seconded and adopted that no candidate be given a copy of the mailing list of members, which would violate the confidential nature of Union records. However, each candidate would have the opportunity to inspect the list, as permitted by law, and each candidate would be able to have equal opportunity to mail campaign literature to members appearing on the list.

XI Mr. Eric Schmertz of the American Arbitration Association joined

the meeting at 1700 hours. After considerable discussion of various actions taken earlier by the International Ballot Committee it was agreed to recess the meeting. The meeting was recessed at 1740 hours.

* * * * * * *

X The meeting was reconvened by Chairman Nelson at the offices of the International at 1045 hours on Tuesday, August 31, 1971.

Present were the following Committee members: R. Nelson, J. Valensi, P. Mitchell, L. Reynolds and G. Eisenhaur. Also present were M. Schwartz, International Counsel and K. Camisa.

XI After further discussion of the request of Mr. A. Koonce motion was made, seconded and adopted to accept his most recent request that his name be withdrawn from the ballot as a candidate for Convention Delegate.

XII The meeting was recessed for lunch at 1200 hours.

XIII The Committee reconvened at 1330 hours. A telegram from Brother E. Bissonnette requesting that he be placed on the Offshore (Port of Providence) Ballot, was received and read. Since Mr. Bissonnette indicated that he would be in New York on August 31, 1971

the Committee decided to delay action until he arrived and explained his case.

XIV Mrs. Carlson and Mr. Tannenbaum of the American Arbitration Association joined the meeting at 1525 hours. There was a discussion of the use of mailing services for the distribution of campaign literature by candidates. It was decided that the confidential nature of the Union's address list could not be protected if the lists were available to numerous commercial mailing services. Also, costs to the candidates could vary significantly from one city to another. Motion was made, seconded and adopted to use the American Arbitration Association as the independent mailing service for the distribution of campaign literature. A further motion was made, seconded and adopted that the AAA promptly notify each candidate for office of the procedures, cost and other necessary information for the mailing of literature and that each candidate be given an opportunity to mail literature prior to the mailing of ballots.

XV The Committee reviewed past practice in the issuance of duplicate ballots. Motion was made, seconded and adopted that "Duplicate Ballot Request" postal cards be printed and distributed to all port offices. The American Arbitration Association will receive the request, check the individual's status and take the appropriate actions.

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XVI In preparing the ballots various methods of determining the order in which candidates appear, were reviewed. It was agreed that the most democratic, impartial system would be to "draw" ballot positions from a box. Mrs. Carlson with the assistance of Mr. Tannenbaum of the American Arbitration Association then proceeded to draw ballot positions for the various offices from a box. The order in which the names are to appear in top - to - bottom, or left - to - right where such applies, fashion is:

International Offices

President:	R.B. Wright	L.W. Sheldon	T.F. O'Callaghan
Executive Vice-President:	G. Vance	W. M. Caldwell	A.E. Koonce
Secretary-Treasurer:	R.J. Lowen	G. H. Balser	C.O. Norstrand

Pilots Division Offices

D.S. Grant
F.E. Smith

G.I. Smith
J.J. Bryant

L.E. Miller
R.E. Walton

F.E. Smith
W.J. Daniels
L.E. Miller

Offshore Division Offices

Port of San Francisco

H. Friedman
J. Ofelt
O.A. Larson

G.M. Tuttle
R.M. Olson
G. Bomareto
R.A. Wood
V.G. Valentine

G.A. Perry
L.M. Martin

D.F. York
E.M. Caldwell
M.R. Armbrust

M. Kay
H.E. Mannering
A.E.J. Duggan
W.C. Jackson

Port of Seattle

A.E. Pierce
F.R. Cain
F. Dente
R.J. Soriano
J.N. Haverfield

Port of Portland

C.W. Wallace
G. Folden
M.B. Shuman
D.C. Dunn
R.E. Perry
A.G. Morriss
N. Ralph

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Port of Wilmington

E.L. Wheeler
F. Burke
R.T. Bara
H.C. Walther
G.M. Duggan
T.G. Anderson

R. Edmonds
N. Barbara
R.A. Lindsay
A.J. Maehl
W.H. Abbey
W. Morel
F.L,Allen
J. Haring
J.L Sawyer

Convention Delegates - All West Coast Ports

R.J. Soriano
R.A. Lindsay
A. Pleshe
F.L Allen
W.M. Caldwell
E.L. Wheeler
T.K. Earle
R.T. Bara
H.C. Walther
V.G. Valentine
C.W. Wallace
J.H. Magnusson
F. Dence
J.N. Haverfield
M. Kay
G. Charlot
H. Friedman
M.B. Shuman
W.H. Abbey
W. Morel
E.M. Caldwell

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Port of New Orleans

N.L. LaRocca
H.M. Stegall

C.F. Coyle
R.M. Casselberry

C.F. Coyle
J. Morales
R.M. Casselberry

H.J. Landry
A. Reid
M.E. Pscenicka
H.M. Stegall

Port of Baltimore

J.R. Silver
J.Q. Conrad

Port of Savannah

H.H. Williams
A.H. Williams

Convention Delegate - Ports of Baltimore, Philadelphia, Norfolk, Charleston, Savannah

T.F. O'Callaghan
J.R. Silver
J.J. Handley
W.K. Beach
H.H. Williams

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Port of New York

C.A. Hemming
J.B. Gaier

F.T. Scavo
J.J. Clifford

L.A. Burlingame
R.J. Polachek

K.E. Fowler
J.C. White
E.K. Swanson
H. Nereaux
V. Soto
W.R. Sorrentino
J.A. Moralis
R.K.E. Lehmann
J.R. Seybert
J.E. Corneille
J.T. Brady
E.J. Hendry
F.W. Carey

L.A. Burlingame
V. Soto
H. Nereaux
J.C. White
R.J. Polachek
J.E. Corneille
E.J. Hendry
J.J. Clifford
F.T. Scavo
W.R. Sorrentino
C.A. Hemming

Port of Providence

J.F. Beirne
M.A. Andrews
G.H. Bassett

Port of Galveston

R.L. Jones
A.N. Gordon

Port of Houston

R.H. McLaurin
R.N. Polumbo
P. Wilkins

T.D. Neuman
R.C. Chamberlin

Port of Port Arthur

P.J. Doherty
J.R. Giblin
W.B. McNeal

Convention Delegates - Ports of Galveston, Houston, Port Arthur

C.D. Connally
J.R. Giblin
T.D. Neumann
F.V. Beechinor
R.N. Polumbo
T.J. Teddlie

Port of Tampa

J.S. Purdy
J.A. Stanley
J.R. Holland
G.F. Clarke

Convention Delegate - Ports of Mobile and Tampa

J.S. Purdy
J.A. Stanley
W.J. Anderson
G.E. Odom

Port of Jacksonville

R. MacAlvanah
A.C. Scott

Port of Hollywood

J.T. Russell
J.W. Brown
G.J. Hatch
A.J. Murphy

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Alternate Convention Delegate - Ports of Jacksonville, Hollywood

F. Hofner
J. Spiegel

Port of Boston

G.E. Landrigan
P.J. Connolly
P.J. King

W.H. Doherty
P.J. King
P.J. Connolly
F.C. Flaherty

XVII At 1710 hours the representative from the printer, H. Strahler, was invited to join the meeting to discuss the preparation of the ballots. After much discussion motion was made seconded and adopted that the ballots be prepared for the election as follows

Members only voting for International Officers

a) Ballots and envelopes to be salmon colored.

b) Ballot will have instructions on tear-off sheet

c) Return envelopes will be numbered for control purposes.

Members voting for International and Pilots Division Officers

a) Ballots and envelopes to be green colored.

b) Ballot will have instructions on tear-off sheet. International Officers' ballot on right side of inside fold, Pilot Division ballot on back.

c) Return envelopes will be numbered for control purposes.

Members voting for International and Offshore Division Officers

a) Ballots and envelopes to be grey colored.

b) Ballots will have instructions on tear-off sheet International Officers' ballot on right side of inside fold, and the ballot for each individual Offshore Division port will be printed on the back.

c) Return envelopes will be numbered for control purposes.

It was further moved, seconded and adopted that for even greater security of the ballots the AAA watermark be imprinted on the right side of the inside fold of every ballot and the AAA would use its mail "date-time, receipt" machine on each ballot.

XVIII The meeting was recessed at 1825 hours.

* *

XIX Chairman Nelson reconvened the meeting at the offices of the International at 1005 hours on Wednesday, September 1, 1971, with all Ballot Committee members present.

Various aspects of the election were discussed.

XX Mr. Tannenbaum of the American Arbitration Association joined the meeting at 1015 hours and brought with him the mailing list of eligible voters provided by the Organization. The Committee went over the listing carefully, advising which ballot is to be mailed to each group of members. It was noted that lists were provided for all subordinate bodies entitled to receive ballots. Mr. Tannenbaum reported that arrangements had been completed for the security of the ballots after they are returned, and prior to the counting. The return envelope will be addressed to the American Arbitration Association, c/o Safe Deposit Vault, American Trust Company. The ballots will remain in the vault unti

until the International Ballot Committee and the American Arbitration Association empowered by the appropriate order, request all the ballots cast at the end of the balloting period.

XXI The meeting was recessed for lunch at 1155 hours.

XXII The meeting was reconvened at 1400 hours. The Committee received a letter from Brother Milton A. Andrews, a candidate for Port Agent and Convention delegate in the Port of Providence, requesting that his name be withdrawn from the ballot. After discussion motion was made, seconded and adopted removing the name of Milton A. Andrews from the Offshore Division ballot in the Port of Providence. The ballot position of the remaining candidates are to be adjusted appropriately.

It was noted that no further communication has been received as yet from the other applicant from the Port of Providence, Mr. Elphege Bissonette.

XXIII Turning again to the matter of distribution of campaign literature, the Committee made a request to the International Office that a number of copies of the mailing list of members (in label form) be prepared and sent to the American Arbitration Association to prevent any delay in the mailing of literature.

XXIV Chairman Nelson recessed the meeting at 1800 hours.

* * *

XXV The meeting was called to order on Thursday, ~~August~~ September 2, 1971 at 0930 hours in the offices of the International Organization. Brothers Nelson, Valensi and Eisenhour were present and

Brothers Reynolds and Mitchell had departed to their home ports.

XVI The Committee discussed the procedures which might be followed if a member wished to change his selection after marking a ballot, or if a ballot was accidently marked or mutilated. A motion was made, seconded and adopted to require a member to return his original ballot with a request for a duplicate, if the original becomes torn, marked, etc.

XVII The Ballot Committee then reviewed all the documents and procedures which it had acted upon and all requirements of the International Constitution. It was agreed that all necessary actions had been taken or plans had been made to act later.

XVIII The Committee noted that Mr. E. Bissonette has not appeared before the Committee, as he indicated in his telegram, and no telephone calls or other communication has been received. After reviewing all the facts in his case motion was made, seconded and adopted that Mr. Elphege Bissonette not be added to the ballot for the Port of Providence.

XIX There being no further business to be acted upon by the International Ballot Committee the meeting was adjourned at 1225 hours.

R. Nelson, Chairman

J. Valensi, Secretary

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The meeting was called to order by Chairman Nelson at 0930 hours on December 21, 1971, at the offices of the American Arbitration Association. All International Ballot Committee members were present. Also present were Margaret Carlson, K. Camisa, M. Schwartz, B. Hall, H. Nereaux, A. Holdeman, L. Sheldon, A. Koontz, R. Polachek, R. Lowen, L. Burlingame, C. Hemming.

Bros. Nereaux, Holdeman, Sheldon, Koontz, Burlingame and Hemming made a number of objections to the entire election. These objections were made orally and in writing by them personally and also by their attorney. A verbatim record by a stenotype reporter was made of the oral objections and all of the written objections were received and marked as exhibits.

At approximately 1030 hours, Chairman Nelson stated that the Committee would go into executive session to consider the various objections and would meet with everyone again at 1500 hours.

At approximately 1500 hours, Chairman Nelson again called the meeting to order and all persons were present, and the verbatim record was continued. Chairman Nelson announced that the Committee had unanimously decided to proceed with the balloting for the election of the International, Offshore Division and Pilots Division officers and that it would commence at 0900 hours on the following day at the offices of the American Arbitration Association.

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On December 22, 1971, Chairman Nelson called the meeting to order at 1540 hours at the offices of the American Arbitration Association. All International Ballot Committee members were present. Also present were K. Camisa, M. Schwartz, F. Scavo, H. Nereaux, J. Gaier, M. Weinstein, R. Polachek, A. Holdeman, J. Moralis, G. Landrigan, A. Koonce, R. Lowen, J. Bryant, C. Hemming, V. Soto and L. Sheldon.

Bros. Sheldon, Hemming, Koonce, Gaier, Scavo, Polachek and Soto objected to the counting of ballots that were not postmarked. Bros. Nereaux and Moralis argued that such ballots should be counted. Chairman Nelson observed that on the previous day the attorney for Bros. Nereaux and Moralis had argued strenuously that they also objected to the counting of such ballots and that one of the written objections submitted by Bro. Nereaux was against counting such ballots.

The Committee then went into Executive session and reconvened at approximately 1615 hours at which time Chairman Nelson announced that the Committee had unanimously decided against counting ballots that were not postmarked.

The following day at approximately 12:30, the Committee met at the International office and decided to proceed with the announcement of the results of the election as tabulated by the American Arbitration Association.

EXHIBIT BB

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The Committee also discussed arrangements for the prompt commencement of the run-off elections for various West Coast Offshore Division candidates.

At approximately 1400 hours, Chairman Nelson recessed the meeting until January 5, 1972.

On January 5, 1972, Chairman Nelson again called the Ballot Committee meeting to order at 1130 hours at the offices of the American Arbitration Association. All International Ballot Committee members, except P. L. Mitchell, were present. Also present were Margaret Carlson, K. Camisa, M. Schwartz, R. Lowen, R. Polachek and F. Scavo. The purpose of the meeting was to review the uncounted ballots. The boxes holding these uncounted ballots had been sealed by the American Arbitration Association and the Ballot Committee decided to wait for some of the other candidates who had made protests.

M. Schwartz was instructed to call B. Hall who advised his clients would arrive shortly. After about two hours, both C. Hemming and L. Sheldon were present and the uncounted ballot boxes were opened and the American Arbitration Association, the Ballot Committee and the candidates proceeded, for the rest of the afternoon, to review the various challenges and to count certain additional ballots.

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The meeting was called to order by Chairman Nelson at 1030 hours on January 6, 1972 at the offices of the International. Bros. Eisenhauer, Reynolds and Valensi were present. Also present was International Counsel.

The Committee went into Executive session. The Ballot Committee read the transcript of the December 21st meeting and all of the exhibits. International Counsel reviewed each of the exhibits for the Ballot Committee. Mail addressed to the Committee by C. Hemming and B. Hall, sent after the ballots were counted, was also reviewed. Also reviewed was written material submitted last evening by L. Sheldon. International Counsel was then excused and the Committee continued to review the objections. The Ballot Committee then voted unanimously to deny all objections except for those previously allowed in the minutes.

Finally, the Committee voted unanimously to certify that the election was conducted in accordance with the International Constitution.

At approximately 1230 hours, Chairman Nelson advised the American Arbitration Association of the Ballot Committee's action and requested certification of the election results as quickly as possible.

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At 1500 hours the Ballot Committe proceeded to the American Arbitration Association to prepare run-off ballot for the various West Coast Offshore Division candidates.

R. Nelson, Chairman

J. Valensi, Secretary

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association

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officers

HOWARD S. HOLTZMANN
Chairman of the Board

C. JAY PARKINSON
Chairman, Executive Committee

J. VICTOR HERD
DAVID W. PECK
Past Chairmen

FLOYD W. JEFFERSON
Vice Chairman of the Board

HENRY A. LOEB
Treasurer

DONALD B. STRAUS
President

ROBERT COULSON
Executive Vice President

GERALD AKSEN
General Counsel

Vice Presidents
JOSEPH S. MURPHY
JOHN P. E. BROWN
MORRIS STONE
EDWIN W. DIPPOLD
WILLOUGHBY ABNER

committee chairmen

WHITNEY NORTH SEYMOUR
Arbitration Law

HENRY CLIFTON, JR.
Arbitration Practice

BRUCE F. SMITH
Budget

DAVID L. COLE
Panels

E. NOBLES LOWE
Corporate Law Department

QUIGG NEWTON
Library

WILLIAM J. KNECHT
Construction Industry

September 8, 1971

To all Candidates of the International Organization of Masters, Mates and Pilots:

As a candidate for office in the International Organization of Masters, Mates and Pilots election, you may desire to mail your campaign literature to the membership in your area.

The American Arbitration Association will mail your literature for you if you do the following:

1. Telephone the Election Department of the American Arbitration Association at (212) 582-6620 before 5:00 p.m. on Monday, September 13, 1971. At that time you will be instructed as to the number of envelopes to prepare for your mailing and the cost of mailing to members in your area.

2. Prepare your literature in stamped, sealed envelopes to be sent to the American Arbitration Association, Room 2300, 151 West 51 Street, New York, New York 10019.

The American Arbitration Association will upon receipt of your envelopes place mailing labels on them and mail them to the members in your area.

All costs must be borne by the candidates. A certified check or cashier's check for the amount of this service must accompany your envelopes.

Very truly yours,

Samuel V. Tannenbaum
Samuel V. Tannenbaum
Election Department

SVT:pml

offices: BOSTON • CHARLOTTE • CHICAGO • CINCINNATI • CLEVELAND • DALLAS • DETROIT • HARTFORD • LOS ANGELES • MIAMI • MINNEAPOLIS
NEW YORK • PHILADELPHIA • PHOENIX • PITTSBURGH • SAN DIEGO • SAN FRANCISCO • SEATTLE • SYRACUSE • WASHINGTON, D.C.

EXHIBIT CC

MEMBERS FOR A Bulletin DEMOCRATIC UNION

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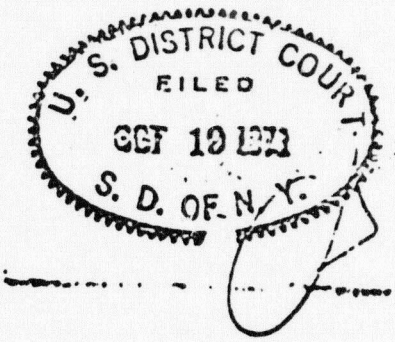


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LLOYD SHELDON, AMOS KOONCE and VICTOR SOTO,

Plaintiffs,

- v -

THOMAS F. O'CALLAGHAN, as INTERNATIONAL PRESIDENT, etc., OF INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, AFL-CIO

- and -

DONALD B. STRAUS, AS PRESIDENT, etc., OF AMERICAN ARBITRATION ASSOCIATION,

Defendants,

71-Civ.4113

This action is concerned with the pending election of officers of the International Organization of

MEMORANDUM

MM&P

APPEARANCES

BURTON H. HALL, ESQ.
Attorney for Plaintiffs

MARVIN SCHWARTZ, ESQ.
Attorney for Defendant INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS

FLASH! On October 19, 1971, U.S. District Judge Thomas F. Croake handed down his decision in a case challenging O'Callaghan's using of Union money and Union authority to distribute campaign literature on his own behalf. The Judge said that O'Callaghan had plainly violated federal law and had entitled any candidate defeated in the present election to have the election set aside; he also ordered O'Callaghan to give equal treatment to campaign literature prepared by his opponents.

Some highlights of Judge Croake's decision are given below.

On the question of the "Newsletter" which O'Callaghan used the Union's money to publish and distribute, the Judge had this (among other things) to say:

"The court finds that the "Newsletter," containing electioneering for the incumbent candidate, ad hominem attacks upon an opposition candidate [illegible] by the content of the distribution date, coupled with the timing of the distribution, constitute campaign literature for defendant-O'Callaghan distributed at the expense of defendant labor organization. Plaintiffs are entitled to the opportunity to have campaign literature in a similar manner and with equal force as that of the defendants. The distribution 'shall be made by [defendant] . . . labor organization and its officers, with equal treatment as to the expense of such distribution.' LMRDA §481(c)."

The Court also took up the matter of O'Callaghan's violation of Local 88's by-laws, which require that a certified mailing list of all members be made available at cost to all candidates. On this issue, Judge Croake said:

"The facts . . . display a violation of the spirit of LMRDA as well as the letter of the law. The LMRDA endeavors to preserve the integrity of the election process as it is the core of Union democracy. Section 481(e) LMRDA provides: "The election shall be conducted in accordance with the [illegible] constitution and by-laws of such organization in so

EXHIBIT DD

r as they are not inconsistent with the provisions this subchapter! It appears there is 'discrimination . . . against . . . [a] candidate with respect to e use of lists of members.' Section 481(c) LMRDA efendants are directed, therefore, to make the ailing lists available to candidates for election to ffice in former Local 88."

'Callaghan deliberately broke the law. This federal urt decision proves it. The cheap-shot character, ho has been posing as MM&P's "leader" while sing membership funds to finance his phoney ropaganda in our Union's official news organ, nally got caught RED HANDED in the member-ip's pockets . . . and don't forget LOWEN and ALDWELL, his flunkies. The choice is yours, rothers. NOW or NEVER! If you want to wipe ut a rotten dictatorship, vote out of office these ultures and all the local incumbent YES MEN ney bought.

URSE OF DISHONEST ELECTIONS

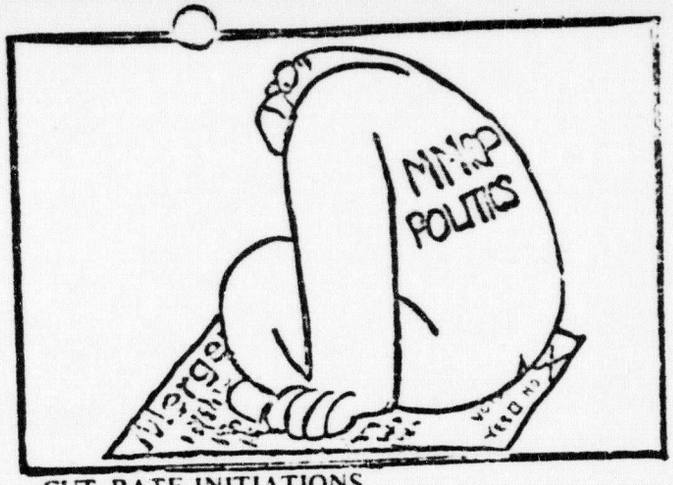
The 1968 International Election was not he first MM&P election that was stolen and bought. emember how C.T. "Tommy" Atkins did it?

Investigation of the 1967 Local 14 election y the US Labor Dept. disclosed that Weinstein's and-picked ballot committee had, in the Labor ept's own words, "failed to detect 122 fraudulent allots, and 109 members eleigible to vote were re-orded as having cast duplicate, and in some in-tances triplicate ballots. . . .". Many members ould like to know why the government failed to o to court to set aside that rigged election and hy the case against the 1968 International Election as not gone to trial.

FFSHORE DIVISION CANDIDATES DENIED EGAL RIGHT TO INSPECT MEMBERSHIP LISTS

In violation of the spirit of LMRDA as ell as the letter of that law, a number of Offshore ivision candidates for office have been denied their oso[illegible] right to inspect the Union's membership oting lists for their respective elections in the Gulf nd on the West Coast. In New Orleans, for example, tegal refused to allow his opponent for Port Agent r. Nicholas La Rocca, and the opposition candidate or Exec. Asst. PA Bro. C.F. Coyle to see the list and hen made false claim they had never requested to e same. On the West Coast, Bro. Frank Burke, an pposition" candidate for Wilmington, Calif. Port gent and other candidates running against incum-ents have been denied their legal rights to inspect he voting list.

This flagrant abuse of authority by MM&P of-icials is further evidence of O'Callaghan's arrogant isregard for U.S. law governing union elections. 'Callaghan is deliberately inviting challenges that ill set aside this election — result in a re-run — nd cost the MM&P membership thousands of ollars.



CUT-RATE INITIATIONS

It is no secret that many newly licensed men joined Local 14 because a cut-rate initiation deal was offered by O'Callaghan's buddy, Moe Weinstein. MDU has the documentation to prove that statement. Those two labor fakers had a unique way of covering up their dishonesty in this kind of caper. When they violated the Union's Constitution by requiring a new member to pay only $50 down on his initiation (and the law was violated when they gave a $250 receipt for the $50), Weinstein would send $500 to the then International Sec-Treasurer O'Callaghan. If a new member subsequently defaulted, O'Callaghan returned $375 to Weinstein, keeping $125 for the International share of the constitutionally required $250 down payment. Do you think maybe some of the $50 boys who defaulted later paid Weinstein more before that happened? Wasn't $375 still kicked back to Moe by his buddy, O'Cal? Think that one over.

Naturally $50 boys don't blow the whistle when they find out what they have implicated themselves in. BUT ONE DID . . . and we have the proof.

ABUSE BY OFFICIALS

Brother Larry Burlingame, candidate for Assistant Port Agent, reminds the membership that "The MM&P Pension Plan is doomed to go down the drain in a few years unless the pension program is revised soon. O'Callaghan-Weinstein & Co. want to grab theirs before that happens. Whey do you think they railroaded through those huge pay increases for Offshore Division officials behind the membership's back? Are you aware that O'Callaghan's $40,000 PLUS is part of that deal? The $35,000 PLUS, snared by Lowen and Caldwell, is also part of the deal that has made over-paid plutocrats of all of our incumbent officials."

"All this conniving behind our backs is shocking. We cannot afford to excuse this deception by incumbent officials, discovered by rank and file investigation", said C.O. Norstrand, candidate for International Secretary-Treasurer.

Bro. Walter J. Anderson, candidate for Convention Delegate/Asst. Port Agent, ex-Local 4, Mobile, hit the nail on the head when he asked: "Can this membership allow officials who trample on our Constitutional Rights to continue in union office? If the answer isn't a resounding NO, honesty and decency in MM&P is down the drain."

THE COURT

A federal court has ruled that plaintiffs SHELDON, KOONCE, and SOTO are entitled to have eight pages of campaign literature, paid for by the Union, published and distributed to the Membership. Federal District Court Judge Thomas F. Croake handed down this decision as a result of incumbent International Officials dipping into our Union's funds to pay for O'Callaghan's election campaign lies. In consideration of the membership's right to know what is and has been going on in their own Union, SHELDON, KOONCE, and SOTO have chosen to take this opportunity to inform the membership of some facts their incumbent officials have concealed from them.

POWER CORRUPTS
ABSOLUTE POWER CORRUPTS
ABSOLUTELY

MDU CANDIDATES COMMENT ON THE MERGER RESOLUTION

The candidates running for International and Division office on the MDU slate have come out sharply against the proposed "swallow up" of MM&P by ILA. "As the only rank and file delegate at the July 1971 IOMM&P Convention (every other delegate there was an official of the Union), I voted against the merger in order to preserve IOMM&P. I am proud that the MDU slate supports me right down the line on this issue," said Lloyd Sheldon when interviewed by a delegation of MM&P members.

As Bro. Charles Hemming puts it: "How can [illegible] MM&P identify as the Union Division of ILA when right from the outset any member who opposed the deal is denounced [in O'Callaghan's phony "Convention Newsletter"] as an imbecile and worse. Is that union democracy?"

"Is it union democracy when our officials allow the president of the longshoremen's union to interfere in our internal affairs even before we have become an appendage of his organization?"

Bro. Amos Koonce adds that the MM&P representatives on the longshoremen's District Exec. Boards (who will be appointed by O'Callaghan, not elected by the membership) will have only as much weight as the ILA leaders want them to have.

Bro. Charles Norstrand says: "If this asinine resolution is voted up, MM&P and every other officer union will eventually be controlled by the unlicensed majority of waterfront or waterfront-related workers. Our Shoreside Division will grow rapidly, especially if flooded with longshoremen. Our "Associated Maritime Workers" setup is being flooded now with individuals whose eligibility for membership is questionable. Under our new Constitution, an unlicensed man can be president of MM&P.

THE RANK AND FILE SPEAKS UP:

554a

At two consecutive meetings held in NY, Members For a Democratic Union (MDU) voted unanimously to oppose the merger of MM&P with ILA. In other ports, from coast to coast and in the Gulf, members have voiced strong opposition to the merger.

One of the protests most commonly heard concerns the "credibility gap" that exists as far as MM&P officials are concerned. The officials talk about their merger being for the benefit of the members, but the real purpose seems to be to use ILA "muscle" to keep the MM&P membership in line -- for the sake of the officials.

Each week the officials sing a different song, with the same refrain. First they told us we needed consolidation in order to keep our Union. Now O'Callaghan claims we need a merger with ILA in order to keep our Union. What next? What else is he going to say we must give up in addition to our local autonomy and our International charter itself, in order to "keep our Union"?

Last winter we set up picket lines in front of the LASH ITALIA on O'Callaghan's orders. The Brooklyn longshoremen walked through our picket lines and worked the ship behind them. Were they helping us to "keep our Union"? Were they helping us keep jurisdiction over LDO jobs? Most members think the longshoremen were scabbing on us -- and that scabbing is a strange way to help anybody "keep his Union".

LOCAL 88 CANDIDATES SPEAK UP:

The MDU slate of candidates in Local 88 has blasted the supposed "affiliation" in a recent [illegible]

"This is a merger -- pure and simple", says a statement issued by Brothers Hemming, Clifford, Burlingame, Soto, Nereaux, Seybert, and Moralis. They warn that, in surrendering our AFL-CIO charter and becoming a mere "devision" in somebody else's Union, we are surrendering our historical identity.

"Can you believe that once in, we could just pack up and pull out? Do you realize what ILA's hold over MM&P could become in a few years, especially with MM&P officials committed to deliver our Union to the longshoremen?"

MM&P LOCAL 47 MEMBERS DENIED VOTING RIGHTS

In an outrageous show of contempt for the rights of the membership, International President O'Callaghan has ordered that no International Election or "merger" ballots be sent to Great Lakes and Rivers Local 47 members. O'Callaghan's claim that Local 47 is expelled doesn't hold water. The June 22, 1971 letter addressed "To All Members of Local 47, IOMM&P", signed by himself and Caldwell for the Organization, proves it. Our "Leader" has [illegible] true colors.

EXHIBIT DD

HE ILA SAYS IT, TOO:

The April 1971 issue of The Longshoremen's ice, official journal of ILA Local 1410 in the Port of obile, carried a story on the so-called affiliation with e following headline:

"LONGSHOREMEN, SEAMEN UNIONS MERGE"

nd. that sums it up. Our AFL-CIO charter is surren-ered and we are in the course of being "swallowed up" the longshoremen.

ut that article in Local 1410 paper tells more of e truth about who is really going to run things, and ecide policy, in this merged union.

he article in The Longshoremen's Voice reports it as llows:

"While both Gleason and Capt. O'Callaghan, sident of the Masters, Mates and Pilots, said O'Cal-ghan's 12,500 members would be able to ask for eir own contracts and terms, there was no doubt eason and his 116,000 longshoremen would have e final say as to any strike."

In other words, it's the dog that wags the il, And the tail in this merged union is the MM&P.

GHT BACKDOOR SHIPPING

Bro. Gerard Basset, Candidate for Port gent, and Bro. M.A. Andrews, militant activists democracy and honesty in MM&P, are watching hn Beirne like hawks to prevent any more back-or shipping out of Providence.

THE MEMBERSHIP'S RIGHT TO KNOW

If public disclosure is the essential element in any code of ethics for elected persons -- why not for our union's officials? Why should not there be rules of disclosure of union election campaign funds, for instance?

The membership of MM&P is entitled to know about political and private slush funds of its elected officials and the contributions they have received. It might raise some interesting questions of propriety.

During the 1968 International Election, M. Weinstein, President of Local 14, who was also Chairman, International Ballot Committee, put out a leaflet to the membership in support of his buddy, O'Callaghan. "The Octopus" claimed he personally, paid for that scurrilous garbage titled "The Executive Board of Local 14 Unanimously Recommends" Does anyone really believe Moe picked up that tab? So who did pay? Lawyers? Politicians? Members for whom Masters berths had been solicited? New members solicited at a cutrate $50 down payment charge? Who? Doesn't the membership have a right to know?

We need a Constitutional requirement for disclosure of elected officials outside business interests and outside income. Why shouldn't the union's lawyers disclose all of their sources of income andhhow much?

The membership has a right to know who their elected officials and paid employees really represent. Close scrutiny of finances must [illegible]

O'CALLAGHAN'S LAST-MINUTE SMEAR JOB

Just before ballots were to be mailed out in the IOMM&P election, O'Callaghan sent out a lying, smear sheet attacking all his opponents as "flunkies" (and worse) of the MEBA -- in short, accusing everybody who opposes his rule over IOMM&P as being a traitor to the IOMM&P.

He aimed his most savage attack at Sheldon. Using quotes from a speech Gleason made at our last convention, he accused Sheldon of taking money from "outside sources" to campaign against him.

Gleason and O'Callaghan are off the beam. They are liars. Sheldon has taken no money from any "outside source" and is nobody's "flunky". His loyalty to MM&P is not subject to question by Gleason or by any other outsider.

Every leaflet he has had anything to do with circulating has been paid for by himself or by contributions from other MM&P members. If O'Callaghan and Gleason think they can make MM&P members believe that Sheldon is on some outsider's payroll, then they are what they, in their "Newsletter", accuse MM&P rank-and-filers of being -- *imbeciles.*

Inaccurate Pension Report

(1965)

A joint meeting of the A&G Dry Cargo and Tanker Negotiating subcommittees noted Nov 19 a misleading inaccuracy in the Nov 1 issue of the Local 88 "Negotiations Newsletter" regarding the MM&P Pension Program.

The subcommittee said that any improvements in the MM&P Pension Plan must come out of monies due on the contracts' anniversary dates in 1966, 1967 and 1968.

In no way, the subcommittee declared, has any definite pension improvements been decided upon at this time although several areas are under consideration.

Beginning June 16, 1966, the MM&P Negotiating Committee voted to allocate 50 cents per man day of the 3.2% increase to the Pension Program for improvements.

CHARLES HEMMING

"A knowledgeable Member is a Member equipped to vote intelligently. Let the Membership know the truth, and the Union is safe. When elected, I shall keep the Membership informed and do all in my power to restore MEMBERSHIP CONTROL."

A FAMILY AFFAIR

JACK OFELT, outstanding candidate for Port Agent SF/VP Pacific comments: *"If the membership can NOT trust International "Leadership" who misuses our Union's funds, the membership certainly can NOT trust Local Officials who pander to such "Leadership".* At the Galveston Convention, O'Callaghan introduced Orion Larson as *one of the family.* If Larson is not one of the family, he should renounce that dubious distinction."

EXHIBIT DD

PHILADELPHIA COURT CASE . Convention Newsletter omitted all and any reference to this case. Here is some revealing background the same flyblown officials who are trying to railroad us into the ILA figure the less said about, the better.

Moe "The Octopus" Weinstein took over Philadelphia Local in 1956 under an unwarranted and illegal trusteeship. At that moment, corruption, bribery, graft and backdoor shipping became the order of the day.

The evils of that trusteeship and the illegal abuses of power committed by Weinstein and International president C. T. "Tommy" Atkins, exemplify an MM&P leadership engaged only in its own personal aggrandizement at the expense of the membership.

Now, 14 years after the Local 2 take-over, most of that same International establishment that condoned the contemptible and illegal acts of Weinstein and Atkins are stooging for the Weinstein-O'Callaghan takeover of all the locals. The • • • Constitution, rammed through the New Orleans Convention by Weinstein-O'Callaghan cronies and flunkies • • put all locals under virtual trusteeship of these labor fakers.

Weinstein's illegal, arbitrary and ruthless abuses of Local 2 members in 1956 are now a matter of court record. They will soon be a matter for the wallets of all MM&P members.

For 14 years, International counsel "Marvelous" Marvin Schwartz and certain MM&P officials, namely Weinstein, conspired to deny justice, and prevent a fair and equitable settlement to those members kicked out without a fair trial or hearing.

In August 1956, the International Executive Committee, chaired by "Tommy" Atkins, voted to put Local 2 in trusteeship under the pretext that Local 2 president, Captain Leon Cohen, was selling jobs. That accusation which was unfounded was made by Atkins, who the following year was himself convicted of conspiracy and bribery in connection with job peddling. Atkins then named his lieutenant trustee - Moe Weinstein. • • • Under court injunction, Trustee Local 2 was ordered shut down.

Trustee Local 2 did not close up, even under injunction. Weinstein still dispatched jobs. • • • • • • •

Once the trusteeship was re-established under Weinstein, the port [illegible] Philadelphia could be taken over by Local 14, of which Weinstein was president, since both locals (2 and 14) were in the same district. Had Local 88 been in the same district as Local 2, Atkins would have grabbed it himself.

But it made no difference. Weinstein was Atkins right arm • • • • •

In September 1957, the International Executive Committee voted to dissolve Local 2 while still under trusteeship and give the jurisdiction of Philadelphia to Local 14. Since Local 2 belonged to Weinstein as trustee, Atkins could send jobs down to Philadelphia and sell them to get the clearance • • •

Others refused to remain deaf, blind and mute to this Atkins-Weinstein grab of the Philadelphia Local, they were expelled from the union. Not only were they deprived of their right to earn a livelihood as licensed deck officers on MM&P contract ships because they refused to be intimidated, • • • • • • • • • • • • • were continually harassed by goons enlisted to beat down resistance to the take-over. In the face of threats, coercion and harassment these men stood their ground.

"GET OUT AND STAY OUT!"

In fact, when these men and 18 others went to Trustee Local 2 in February 1956 (Local 2 was frozen out of the International the month before), to attend a meeting and register for work, they were told by Weinstein's henchman Noonan, then business manager, to "get out, stay out" and if they ever returned Noonan would "get Blackie Cardolla's goons to work (them) over."

The abuses perpetrated by "The Octopus" were brought to the attention of the Grievence and Trail Committee at the May 1956 Convention (at which Weinstein nominated C. T. Atkins for International president). • • • •

In a closed meeting, the Committee condoned Weinstein's actions and so announced to the Convention floor, but gave no reasons. The International Executive Committee - which included Durkin, Local 90; Steagall, Local 15, and Jones, Local 20 - supported the Grievence and Trial Committee.

That transcript, where Moe Weinstein's own words damn him, • • • • • • was entered [illegible] by presiding Judge Edward Bradley in the case against Weinstein brought by • • • IOMM&P Local 2 versus IOMMP International, in the Pennsylvania Court of Common Pleas, No. 6.

This is the Weinstein who commits crimes against the men he supposedly serves, who illegally expels members asking only for an honest administration, who denies members the right to work, who has ignored the present Constitution, and who has for 14 years sought power solely for his own personal gain • •

• • • for whom the culmination of his efforts is control of all the MM&P locals. And, with his crony O'Callaghan, he is now on the verge of realizing his ambitions - by foisting on MM&P members his masterpiece of deception, the new Constitution, which provides under the guise of consolidation the means for Weinstein and O'Callaghan to increase and perpetuate their own power.

Here is a small portion of the transcript in which Weinstein is talking to another person about a backstairs deal Weinstein is trying to make.

[illegible]: There's one other thing I want and it isn't going to hurt you, and there's no way it can be traced to you and there's - • • • • • • • • • When I make a deal with you, you're making it with me. And, I'll never go back on my word. Nobody can make me go back on my word because I got a two way markup. I've got my local and a lot of other little gimmicks • • • • •"

15 JOBS SHIPPED OUT THE BACK DOOR

But the record hardly stops in September 1956. In November of that year, Captain Leon Cohen presented to the International Executive Committee evidence of Atkins' selling jobs. 15 slips of jobs shipped out the back door: new members shipped out immediately, while other officers waited six months to a year for a job out of New York.

THE CASE REACHES COURT

Attempting to block adjudication, International counsel "Marvelous" Marvin [illegible] to the U.S. Supreme Court against the Pennsylvania Supreme Court decision. The U.S. Supreme Court refused to hear the case.

Once the case against Weinstein and the International was scheduled for

THE PHILADELPHIA COURT CASE (Cont'd)

Pennsylvania Court of Common Pleas, Schwartz continually prevented the case from being heard through legal machinations, in the hope of eventually getting the case thrown out. • • • • • • • • • • • • • Not only were these men illegally expelled without fair trial or hearing, but Weinstein attempted to deny them any fair trial or hearing, even in a civil court.

WITNESSES ARE RIGGED

Finally, in May 1967, 11 years after the take-over, the case was heard. Faced with trial for which they had no legal defense, Weinstein and Schwartz resorted to illegal tactics. Witnesses for Weinstein were pressured into perjuring themselves; another witness was rigged; Atkins, brought in as witness, lied through his teeth.

In May 1969, attorneys for the plaintiffs and defendents met in Judge Bradley's chambers, and determined that the "Philadelphia Twelve" would be reinstated immediately.

"After studying the record in the above case together with the requests for Findings of Fact and Conclusions of Law and Briefs in support thereof, I have concluded that the plaintiffs have proven the liability of the defendants in the above case."

Philadelphia Local 2 was dissolved September 26, 1967, by the International Executive Committee and the jurisdiction of Philadelphia was subsequently granted to Local 14 retroactively. That was a Schwartz gimmick to make the take-over look legal. What it did do was make Local 14's jurisdiction of Philadelphia cover the entire period of the 12 members' expulsion during all of which Weinstein was president of Local 14. Let Weinstein, who expelled these 12 men on his own authority and with the consent of the 1956 International Convention, as he admitted, pay for his own rotten deals.

PHILADELPHIA COURT CASE Lawyer Schwartz ran into some difficulties when he tried to raid our Pension Plan to get his clients the International Officials, OFF-THE-HOOK. Even the Shipowner T Trustees couldn't buy that one. They didn't want any part of a deal whereby the MM&P Pension Fund would be milked for part of a union debt the shipowners had nothing to do with. So Schwartz had to go back to the judge and tell HIS HONOR he couldn't deliver what he had promised. Naturally, the judge has to be upset by the DOUBLE TALK. What with HIS HONOR having bent over backwards to accommodate Schwartz so the MM&P Membership couldn't see by the DECREE how much all the bumbling of this case is going to cost them ONE WAY OR OTHER. And by "OTHER" we mean the BIG BUNDLE of side money Schwartz agreed to pay plaintiffs which is not set forth in that PRE-NEGOTIATED DECREE.

Naturally there are some others who have to be taken care of in addition to the plaintiffs. Then there is the compounded legal cost of years of useless defense of the INDEFENSIBLE. The total cost of this thing runs into the millions when you add it all up. And so far the International has not paid out one cent to satisfy the DECREE and SIDE MONEY settlement.

Here is how the deal was reported in the July 15 Pension Plan's minutes:

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES

MASTERS, MATES AND PILOTS PENSION PLAN

Cohen vs. I.O.M.M.&P.

This item was previously discussed by the Trustees at their regular meeting on June 24, 1971, and at their special meeting of the Pension Plan on July 6, 1971.

Trustee O'Callaghan repeated his previous motion that the Board accept and comply with the decree and order of settlement in the above-entitled action, which motion was seconded by Trustee Stegall.

The motion was then put to a vote, with the result that all the Organization Trustees voted in favor of the motion and all the Employer Trustees voted against the motion. Therefore, in accordance with the provisions governing a split vote in the Trust Document, it was agreed that this matter would be submitted to Arbitrator Kiss."

Weinstein and O'Callaghan are setting up the entire membership to be gouged by future dues increases and assessments, and to underwrite top heavy payrolls for officials and presidential appointees.

NOTICE

ALL EXPENSES OF MEMBERS FOR A DEMOCRATIC UNION ARE PAID FROM DONATIONS BY CONCERNED MM&P MEMBERS. WE ARE NOT SUBSIDIZED BY OUTSIDE SOURCES AS ACCUSED BY THE INTERNATIONAL POLITICAL MACHINE.

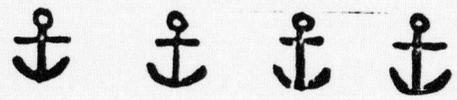
EXHIBIT DD

PENSION PARITY CASE (SOTO V. BRACCO) TO BE TRIED IN 90 DAYS

Candidate Seybert has recently been named Attorney to Victor Soto and other members interested in pension parity. On August 18, 1971 he filed the necessary papers to place this case on the New York Supreme Court Calendar.

Marvin Schwartz, who has deliberately delayed the trial of this action for over three years, immediately made a motion to the Court claiming that this case was not ready for trial and that it should not be placed on the Court's Calendar. (If successful, the trial would have been postponed another year or more.)

Judge Gold relying on the affidavit of Mr. Seybert denied his motion and warned Marvin Schwartz to be ready to try this case in 90 days. Judge Gold's decision was printed in the September 30, 1971 New York Law Journal.



WHY ARE SO MANY [illegible]

Class A-3 Master (Automated) $3,449.16
Base Monthly Wage

Class A-3 Master (Automated) 1,347.32
Monthly Retirement Payment - 25 Years

How much are you entitled to receive? An equalpayment is made to the Plan for each day you work regardless of your rank or the class of your ship. Every local and international official who serves as trustee of the Plan and who voted for the June 16, 1968 percentage of income amendment is eligible for for a monthly pension of $1203 to $1324. You were never given an opportunity to vote for or against the amendment.

How long do you think the Plan can continue as the number of ships DECREASE, the number of working members DECREASE and the number of masters retiring INCREASE? Less than ten years predicts a recent survey by the United States Maritime Commission. The Report predicts:

558a

	1975	1980
Assets	$57.9 million	$87.0 million
Contributions	*22.5 ($24 per man/day	35.1
Benefit payments	*29.1	106.0

*Notice that in the year 1975 benefit payments exceed contributions by 6.6 million dollars and the picture grows darker.

We seek a realistic pension, paid equally to all members with equal seatime.

STRANGE BEDFELLOWS?

There's an old saying that "POLITICS MAKES STRANGE BEDFELLOWS." Well, Brothers, [illegible] stranger set of "bedfellows" than the group now scheming to continue its take-over of our Union.

In a letter addressed to members of former Local 88, O'Callaghan "urges" re-election of Gaier and his "full" team. "They all have my unqualified endorsement • • • • I need Joe Gaier to continue to work shoulder to shoulder with Caldwell, Lowen, and myself", said MM&P's discredited president. He also needs Bob Jones, according to a similar letter sent to the former Local 20 members. STRANGE BEDFELLOW? Actions speak louder than words, men! Have any of O'Callaghan's adopted New York TEAMMATES renounced that dubious distinction publicly? Do you need to hear more to be convinced how you have been SOLD OUT?

HOW THE MEMBERSHIP GOT SHAFTED IN AUTOMATED PAY CAPER

On April 9, 1968 the International President, authorized by the Atlantic and Gulf Negotiating Committee, instructed Silver, Chairman, Maritime Service Committee, to put into effect the 10% automated ship wage increase. After waiting a month for notification of compliance from an incommunicado Edward Silver, President Sheldon took direct action by tying up the automated SS American Reliance.

During the proceedings of the instant arbitration that was called for by U.S. Lines, a sordid story was unfolded. Slippery Edward Silver BLEW THE WHISTLE. Yes, he had CONSPIRED with International Secretary O'Callaghan and International Vice President Charley Crooks to DEEP SIX THE AUTOMATED INCREASE.

When Silver Admitted that he was acting under orders given by O'Callaghan and Crooks behind the International President's back and under the table, he EXPOSED a conspiracy directed against the MM&P MEMBERSHIP from Coast to Coast. HE EXPOSED AN UNHOLY DEAL.

EXHIBIT DD

BE SURE TO VOTE!

559a

Lloyd SHELDON

Amos KOONCE

Charles NORSTRAND

The qualifications of the SHELDON - KOONCE - NORSTRAND team are set forth on your ballot. Those qualifications reflect forthright dedication to the rights of the Membership. Foremost among those rights, the equal opportunity of all members to earn a decent livelihood in their chosen profession.

Our platform is built upon unequivocal recognition of the right of the Membership to demand that their Union and elected officials maintain integrity and credibility. We are committed to the proposition that Masters, Mates & Pilots shall be a Union of the Membership, by the Membership, and for the Membership.

We endorse the Members for a Democratic Union "PROGRAM FOR THE MEMBERSHIP" without reservation. That program, we believe, and the principles of democratic unionism it embraces, offers the Membership a chance to participate in the affairs of this Union where the leverage of MEMBERSHIP CONTROL can be most effectively exerted.

Consolidation of the locals can only be responsive to the WILL OF THE MEMBERSHIP if the Constitution under which it functions requires full response to the WILL OF THE MEMBERSHIP by our [illegible]

Brother Koonce will elaborate on some of our I L A M S specific targets.

The SHELDON - KOONCE - NORSTRAND team advocates:

Limited tenure of office with no official succeeding himself in one office more than one time. We believe that would be a deterrent against excessive concentration of power in the hands of the officials.

Each Division of our Union to elect all and any of its officers.

Each Division to retain exclusive control and use of its Membership per capita voting power on the Union's General Executive Board through officers elected exclusively by each such Division.

All actions of the General Executive Board to be subject to Membership approval or rejection before being final and binding on the Membership.

The new Constitution gives the General Executive Board authority to "act on affiliation of the Organization." If the Constitution held the "Board" accountable to the Membership, the Membership could control the Union, including "affiliation."

A referendum be held on all International and Offshore Division Officers' salaries.

[illegible] by all paid elected officials and paid appointees, including lawyers.

Restore stability to our Union's relationships with other maritime unions. Strict adherence to the principle of "Cooperation With All, Domination By None."

Brother Norstrand will further elaborate on our program.

The SHELDON-KOONCE-NORSTRAND team TARGET includes:

Liberal Constitution provisions for Membership initiated referenda.

At least fifty percent Convention Delegates, Negotiators, and Plans Union Trustees be members holding no paid elected or paid appointed position in the Union. Membership to elect by referendum.

Decide any major policy change by referendum.

Review Union's training program, financial transactions related thereto. Cause referendum be held to approve or reject program.

Invigorate organizing.

Democratic safeguards in trial procedures.
No appointment of trial committee by officials.
No dismissal of charges by officials.

Twelve months' pay for spread of from six to seven months' work (prorate for reliefs) in Lash, Seabee, Mechanized, Jumboized, Containerized, RoRo, O-B-O, or any vessels, including tankers and bulkers, where productivity has been substantially increased over older conventional types.

No LDO accrual of excess of twelve months' salary and vacation pay in one year.

All jobs off board. Phaseout company seniority. Exempt seniority established prior cut-off date. No member's established job rights to be encroached upon.

Base pensions on years of service, not money earned. Escalator clause for cost of living increases. Five-year cash-out clause. Membership to decide by referendum the type pension program desired.

November 1, 1971

Mr. Donald B. Straus, President
American Arbitration Association
140 West 51st Street
New York, N. Y. 10019

Dear Mr. Straus:

My personal examination of the official IOMM&P membership voting lists has revealed that ineligible persons have been certified by the Union as eligible to vote and have, in fact, been sent ballots in the 1971 election of International and Division Officers.

I, hereby, demand that the American Arbitration Association inspect the Union's certified records of the dues standing of all persons to whom ballots have been sent in the subject election and that a certified copy of the AAA's findings be provided every candidate for union office in this election and sent to every office of IOMM&P to be posted conspicuously on their respective bulletin boards.

Sincerely,

Lloyd W. Sheldon
Candidate for International President

MEMBERS FOR A DEMOCRATIC UNION
P. O. BOX 235 BOWLING GREEN STA.
NEW YORK, N. Y. 10004

EXHIBIT DD

Defendant's Response to Plaintiff's Request for Admissions

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK -x

PETER J. BRENNAN,
Secretary of Labor
United States Department
of Labor,

Plaintiff

v.

INTERNATIONAL ORGANIZATION OF
MASTERS, MATES AND PILOTS,
INTERNATIONAL MARINE DIVISION,
ILA, AFL-CIO,

Defendant -x

72 Civ. 5031 CBM

DEFENDANT'S RESPONSE TO
PLAINTIFF'S REQUEST
FOR ADMISSIONS

Defendant, INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARINE DIVISION, ILA, AFL-CIO, responding to Plaintiff's Request for Admissions, respectfully shows as follows:

1. Admits
2. Admits
3. Admits
4. Admits
5. Admits
6. Admits
7. Admits
8. Admits
9. Admits
10. Admits
11. Denies, except admits that some data in such exhibit represents in part the official results of Defendant's election.
12. Admits
13. Admits

14. Admits

15. Admits

16. Admits

17. Admits

18. Admits

19. Admits

20. Admits

21. Admits

22. Admits

23. Admits

24. Admits

25. Admits

26. Admits

27. Admits

28. Admits

29. Admits

30. Admits that the sum expended was at least approximately $1,356.60.

31. Admits

32. Admits

33. Denies

34. Admits

35. Denies

36. Denies

37. Denies

38. Denies

39. Denies

40. Denies

41. Admits

42. Admits

43. Admits

44. Admits

45. Denies

46. Admits

47. Denies

48. Admits

49. Denies

50. Denies

51. Admits

52. Denies

53. Denies

54. Denies, except admits that Exhibit "C" attached to Plaintiff's Requests for Admissions indicates that 748 return ballot envelopes had no postmark and further admits that ballots in unpostmarked envelopes were not counted in the tallying and that such envelopes were not opened at the time of the tallying of the ballots.

55. Admits

56. Defendant neither admits nor denies. Defendant has made reasonable inquiry with respect to this request, but at this time, has insufficient information to enable it to either admit or deny. Defendant will file a supplemental response to this request within 20 days.

57. Same response as No. 56 above.

58. Same response as No. 56 above

59. Same response as No. 56 above.

60. Admits

61. Admits

62. Admits

63. Admits

563a

64. Admits

65. Admits

66. Denies

67. Denies as stated, but admits that Lloyd Sheldon was candidate for International President, Amos Koonce was candidate for International Executive Vice President and the others named were candidates for certain other positions, as may be ascertained from Exhibit C attached to Plaintiff's Request for Admissions.

68. Admits

69. Denies

70. Denies

71. Admits

72. Admits

73. Denies

74. Admits

75. Admits

76. Denies

77. Denies

78. Admits

79. Same response as number 56 above.

80. Denies

Dated: New York, New York
July 30, 1973.

MARVIN SCHWARTZ
Attorney for Defendant

By Burton A. Epstein

243 Waverly Place
New York, New York 10004

Defendant's Supplemental Response

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- x

JAMES D. HODGSON,
Secretary of Labor,
United States Department of Labor,

Plaintiff,

-against-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.
- x

72 Civ. 5031 CBM

DEFENDANT'S SUPPLEMENTAL RESPONSE TO PLAINTIFF'S REQUEST FOR ADMISSIONS

Defendant, INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARINE DIVISION, ILA, AFL-CIO, for its Supplemental Response to Plaintiff's Request for Admissions, respectfully shows as follows:

56. Admits.

57. Admits.

58. Defendant neither admits nor denies. Defendant has made reasonable inquiry with respect to this request, but has insufficient information to enable it to either admit or deny. This document, Exhibit W, and a copy of the Request for Admission relative thereto was sent to the American Arbitration Association. Joyce Cummings, Election Administrator, has advised defendant that the document was unknown to them. She further advised that periodic reports were received by the American Arbitration Association from the Post Office relative to receipt of metered mail and debiting of amounts from the $800 trust fund account, but that such reports were not readily accessible.

59. Defendant neither admits nor denies. Defendant has made reasonable inquiry with respect to this request, but has insufficient information to enable it to either admit or deny. Joyce Cummings, Election Administrator of the American Arbitration Association, was consulted with respect to this request. The records she has make no reference to any specific group of 10 ballot envelopes which is the subject of Request No. 59. She notes that the American Arbitration Association certification refers to 748 unpostmarked ballot envelopes not having been counted. She does not know whether, if this specific class of 10 ballots existed, it is included within the overall category of unpostmarked ballot envelopes not counted.

79. Admits that such distribution took place very shortly after November 1, 1971.

Dated: New York, New York
August 16, 1973,

MARVIN SCHWARTZ
Attorney for Defendant

By _____

243 Waverly Place
New York, New York 10014

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- -x

PETER J. BRENNAN
Secretary of Labor
United States Department
of Labor

Plaintiff

v

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARINE DIVISION, ILA, AFL-CIO

Defendant

- -x

NOTICE OF DEPOSITION

72 Civ 5031 CBM

Sir:

Please take notice that the Defendant will take the deposition of the Plaintiff by its representative, the Area Administrator of the Labor Management Services Administration for the State of Ohio, or by such other representative(s) of the Plaintiff with knowledge of the Plaintiff's investigation in that area of the Defendant's 1971 election of officers, before a notary public or some other officer authorized by law to administer oaths, commencing the 30 day of October, 1973, at 10:30 A.M. in the forenoon at the office of McDonald, Hopkins & Hardy, 1105 The East Ohio Building, Cleveland, Ohio 44114, and the same will be continued from day to day until complete; and that the said witness(es) bring with him(them) and produce at the time and place aforesaid any and all documents and/or records, or any other material relating directly or indirectly

to the above-captioned matter.

Dated: New York, New York

September 6, 1973

MARVIN SCHWARTZ
Attorney for Defendant

By Marvin M. Epstein

243 Waverly Place
New York, New York 10014

To: Paul J. Curran, Esq.
Attorney for Plaintiff
Office of the U.S. Attorney
U.S. Courthouse
Foley Square
New York, New York

Attn: Joseph D. Danas, Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- - - - - - - - - - - - - - - - - - - -x

PETER J. BRENNAN
Secretary of Labor
United States Department
of Labor
Plaintiff

v

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARINE DIVISION ILA, AFL-CIO
Defendant

- - - - - - - - - - - - - - - - - - - -x

NOTICE OF DEPOSITION

72 Civ 5031 CBM

Sir:

Please take notice that the Defendant will take the deposition of the Plaintiff by its representative the Area Administrator of the Labor Management Services Administration for the State of Texas, or by such other representative(s) of the Plaintiff with knowledge of the Plaintiff's investigation in that area of the Defendant's 1971 election of officers, before a notary public or some other officer authorized by law to administer oaths, commencing the 16 day of October, 1973, at 10:30 A.M. in the forenoon at the office of Mandell & Wright, 1901 First National Life Building, Main at Rusk Street, Houston, Texas, 77002, and the same will be continued from day to day until complete; and that the said witness(es) bring with him (them) and produce at the time and place aforesaid any and all

documents and/or records, or any other material relating directly or indirectly to the above-captioned matter.

Dated: New York, New York
September 6, 1973

MARVIN SCHWARTZ
Attorney for Defendant
By Burton M. Epstein
243 Waverly Place
New York, New York 10014

TO: Paul J. Curran, Esq.
Attorney for Plaintiff
Office of the U.S. Attorney
U.S. Courthouse
Foley Square
New York, New York

Attn: Joseph D. Danas, Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- - - - - - - - - - - - - - - - - - - -x

PETER J. BRENNAN
Secretary of Labor
United States Department
of Labor

Plaintiff

v

INTERNATIONAL ORGANIZATION OF
MASTERS, MATES AND PILOTS,
INTERNATIONAL MARINE DIVISION
ILA, AFL-CIO

Defendant
- - - - - - - - - - - - - - - - - - - -x

NOTICE OF DEPOSITION

72 Civ 5031 CBM

Sirs:

Please take notice that the Defendant will take the the deposition of the Plaintiff by its representative, the Regional Administrator of the Labor Management Services Administration for the States of Washington and Oregon, and for San Francisco, California, or by such other representative(s) of the Plaintiff with knowledge of the Plaintiff's investigation in those areas, of the Defendant's 1971 election of officers, before a notary public or some other officer authorized by law to administer oaths, commencing the 9 day of October, 1973, at 10:30 A.M. in the forenoon at the office of Gladstein, Leonard, Patsey and Anderson, Marshall Square Building, 1182 Market Street, San Francisco, California, and the same will be continued from day to day until complete; and that the said witness(es) bring with him (them) and produce at the time and place aforesaid any and all documents and/or records, or any other material relating directly or indirectly to the above-captioned matter.

Dated: New York, New York

September 6 1973

To: Paul J. Curran, Esq.
Attorney for Plaintiff
Office of the U.S. Attorney
U.S. Courthouse
Foley Square
New York, New York

Attn: Joseph D. Danas, Esq.

MARVIN SCHWARTZ
Attorney for Defendant
by Gustav H. Gladstein
243 Waverly Place
New York, New York 10014

19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- - - - - - - - - - - - - - - - - - - -x

PETER J. BRENNAN
Secretary of Labor
United States Department
of Labor
Plaintiff

v

INTERNATIONAL ORGANIZATION OF
MASTERS, MATES AND PILOTS,
INTERNATIONAL MARINE DIVISION
ILA, AFL-CIO
Defendant
- - - - - - - - - - - - - - - - - - - -x

FILED
SEP 10 8 56 AM '73

NOTICE OF DEPOSITION

72 Civ 5031 CBM

Sir:

Please take notice that the Defendant will take the deposition of the Plaintiff by its representative, the Area Administration of the Labor Management Services Administration for the State of Louisiana, or by such other representative(s) of the Plaintiff with knowledge of the Plaintiff's investigation in that area, of the Defendant's 1971 election of officers, before a notary public or some other officer authorized by law to administar oaths, commencing the 23 day of October, 1973, at 10:30 A.M. in the forenoon at the office of Dodd, Hirsch, Barker, Meunier, Boudreaux & Lamy, 711 Carondelet Bldg., New Orleans, Louisiana 70130, and the same will be continued from day to day until complete; and that the said witness(es) bring with him (them) and produce at the time and place aforesaid any and all documents and/or records, or any other material relating directly or indirectly to the above-captioned matter.

Dated: New York, New York

September 6, 1973

To: Paul J. Curran, Esq.
Attorney for Plaintiff
Office of the U.S. Attorney
U.S. Courthouse
Foley Square
New York, New York

Attn: Joseph D. Danas, Esq.

MARVIN SCHWARTZ
Attorney for Defendant
By Gustave H. Newstein
243 Waverly Place
New York, New York 10014

Plaintiff's Affidavit and Order to Show Cause

DY:wp
72-3660

572a

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON,
Secretary of Labor, United States
Department of Labor,

Plaintiff,

- v -

INTERNATIONAL ORGANIZATION OF
MASTERS, MATES and PILOTS,
INTERNATIONAL MARITIME DIVISION,
ILA-AFL-CIO,

Defendants.

U.S. DISTRICT COURT
FILED
JUN 26 1974
S. D. OF N. Y.

ORDER TO SHOW CAUSE

72 Civ. 5031(CBM)

RECEIVED
U.S. MARSHAL'S
1974 JUN 26 AM 11:11

1974 JUN 26 PM 11:11

Upon the certification of the Honorable Harold J. Raby, United States Magistrate in the Southern District of New York, pursuant to 28 U.S.C. § 636(d), a copy of which is annexed as Exhibit A, and upon the annexed affidavit of Assistant United States Attorney Dennison Young, Jr., together with the affidavit of Assistant United States Attorney Joseph D. Danas, both of which are submitted on behalf of the plaintiff in this action, James D. Hodgson, Secretary of Labor, United States Department of Labor, and sufficient cause appearing therefore, it is hereby

ORDERED that Marvin Schwartz show cause, if there be any before this Court at Room 2001, United States Court House, Foley Square, New York, New York, at 2:00 p.m., June 26, 1974, why a judgment should not be entered holding him in contempt of this Court for violating and disregarding the directive of the Honorable Harold J. Raby, and it is further

DY:wp
72-3660

ORDERED that the International Organization of Masters, Mates and Pilots, International Maritime Division, ILA, AFL-CIO, the defendants herein, show cause, if there be any, before this Court at Room 2001, United States Courthouse, Foley Square, New York, New York, at 2:00 p.m. on June 26, 1974, why an order should not be entered compelling the production of Thomas F. O'Callaghan, President of the International Organization of Masters, Mates, and Pilots, for completion of his deposition on or before June 28, 1974, and for such other relief as may be just, and it is further

ORDERED that service of this Order together with the annexed documents shall be sufficient if a copy thereof is served upon Marvin Schwartz, Esq., personally or upon one of suitable age and discretion in his law office on or before 1:00 p.m. June 26, 1974.

Dated: New York, New York

June 26, 1974.

CONSTANCE BAKER MOTLEY
United States District Judge

DY,Jr.:n
72-3660

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON,
Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

INTERNATIONAL ORGANIZATION OF MASTERS, MATES and PILOTS, INTERNATIONAL MARITIME DIVISION, ILA-AFL-CIO,

Defendant.

AFFIDAVIT

72 Civ. 5031 (CBM)

STATE OF NEW YORK)
COUNTY OF NEW YORK : ss.:
SOUTHERN DISTRICT OF NEW YORK)

DENNISON YOUNG, JR., being duly sworn, deposes and says:

1. I am an Assistant United States Attorney in the office of Paul J. Curran, United States Attorney for the Southern District of New York. I am one of three Assistant United States Attorneys handling the above-captioned case for the Government.

2. I make this affidavit in support of the petition which is submitted (a) at the direction of the Honorable Harold J. Raby, a United States Magistrate in the Southern District of New York, to prepare an Order To Show Cause why Marvin Schwartz, counsel for the defendants in this action, should not be held in contempt of this Court, and (b) on behalf of the plaintiffs for an Order To Show Cause why an order should not enter compelling the production of Thomas F. O'Callaghan, President of the International Organization of Masters, Mates and Pilots, for completion of his

DY:wp
72-3660

deposition on or before June 28, 1974.

3. Attached hereto as Exhibit A is a certified transcript of the proceedings before the Honorable Harold J. Raby, on June 25, 1974.

4. The circumstances prior to and leading up to the appearance before Magistrate Raby are set forth in the annexed affidavit of Joseph D. Danas, Assistant United States Attorney (Ex. B) and as follows:

5. On June 18, 1974, Assistant United States Attorney Joseph D. Danas told me he had that day spoken to Marvin Schwartz, Attorney for the defendants. Mr. Schwartz informed Mr. Danas that he would contact Thomas F. O'Callaghan, President of the International Organization of Masters, Mates and Pilots, in an effort to produce him for continuation of his deposition Thursday or Friday, June 20th or June 21st. Mr. Danas further explained to Mr. Schwartz that he was resigning from the United States Attorney's Office and that he wanted Mr. O'Callaghan's deposition completed no later than June 28th.

6. Having received no response by June 20, 1974, Mr. Danas asked me to call Mr. Schwartz to determine what, if anything, had been arranged with Mr. O'Callaghan and to be sure to have some arrangement finalized for the deposition to be taken no later than June 28th.

7. What follows is a schedule of my efforts to reach Mr. Schwartz to discuss this matter:

<u>June 20, 1974</u>

12:05 P.M.	I called Marvin Schwartz. His secretary said he would call me right back.
12:45 P.M.	I tried to reach Mr. Schwartz again. I was informed Mr. Schwartz had gone and would be at the union headquarters with Captain O'Callaghan in 15 to 20 minutes.

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DY:iw
72-3660

1:10 P.M. I tried to reach Mr. Schwartz at the union headquarters. They said he was not there but they would be sure to give him a message to call me this afternoon.

5:50 P.M. I tried to reach Mr. Schwartz at his office but there was no answer.

June 21, 1974

12:15 P.M. I called Mr. Schwartz's office. His secretary explained Mr. Schwartz was out. I asked if I could speak to Burt Epstein, Mr. Schwartz's associate, and was informed that Epstein was on a long-distance phone call and would not speak to me and that he would be going out immediately after ending the call. The secretary said she would leave a message for Mr. Schwartz to call.

3:55 P.M. I tried to reach Mr. Schwartz again. Secretary said "he's out". She said he has gotten previous messages that I have called.

June 24, 1974

11:45 A.M. Called Mr. Schwartz. He was not there but would be in in the afternoon. I left a message for him to call me.

12:00 N (Approx.) Spoke to Magistrate Raby. I explained that we wished to have O'Callaghan's deposition completed no later than this week in view of Mr. Danas' working familiarity with this case and his imminent departure from the office and our commitments to Judge Motley that we would endeavor to proceed with discovery notwithstanding the fact that the trial date in this case has been adjourned. Though we may be obliged to turn over various documents to the defendants, there was no reason why the O'Callaghan deposition should not go forward immediately, this week. Magistrate Raby told us to direct Mr. Schwartz to be in the Magistrate's office at 10:00 o'clock AM tomorrow (Tuesday). If he did not appear, he would recommend that defendants' answer be stricken and that default enter against them.

12:30 P.M. Tried to reach Mr. Schwartz--busy.

2:25 P.M. I called Mr. Schwartz's office. Secretary named Eileen said Mr. Schwartz was not there, but that he had sent a letter to me which I should get tomorrow. I told her of the Magistrate's directive and she said she would be sure to tell Mr. Schwartz.

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DY:iw
72-3660

4:56 P.M. Copy of NOTICE OF MOTION FOR ADJOURNMENT dated June 24, 1974, signed by Martin Schwartz, served on this office, receipt noted at this time (4:56 PM) by P. Troia.

8. On June 25, 1974 your deponent with Bobby C. Lawyer and Joseph D. Danas, Assistant United States Attorneys, appeared before Magistrate Raby to present the application of the United States in this action to order the scheduling of Captain O'Callaghan's deposition on or before June 28, 1974.

9. At the proceeding before Magistrate Raby, the attorney for the defendant having failed to appear, the Magistrate directed counsel for the United States to prepare and present to the Court an Order to Show Cause for the citation of Mr. Schwartz for contempt. These proceedings and the directions of the Magistrate are set forth in Exhibit A.

10. The Magistrate took no action on the request of the United States for an order scheduling Captain O'Callaghan's deposition on or before June 28, 1974.

11. It is important for Captain O'Callaghan to be produced at this time for the following reasons:

Mr. Danas, as noted in his affidavit annexed as Exhibit B, is resigning from this office and would not be available after June 28. This action was assigned to him in 1972 and he is fully familiar with the exceptionally lengthy files andthe complexity of the case. As outlined in Mr. Danas' affidavit, he had started the deposition of Captain O'Callaghan on May 22, 1974 and has made every effort to complete it prior to his departure. In view of Mr. Danas' knowledge of the case, it would prejudice the orderly and prompt preparation of the plaintiff's case if Mr. Danas were not given the opportunity to complete now the deposition he started.

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72-3660

While Assistant United States Attorney Bobby C. Lawyer and I are familiarizing ourselves with this matter and rearranging our caseloads and schedules appropriately, it will take considerable time for either one of us to familiarize ourselves sufficiently to continue Captain O'Callaghan's deposition in the near future. In view of commitments to Judge Motley to proceed with discovery notwithstanding the fact that the trial date has been adjourned, there is need to have Captain O'Callaghan deposed this week.

12. The Government is now reviewing documents in an effort to comply with defendants' requests made orally at depositions of Government witnesses for production of certain documents.

13. That the Government may be obliged to produce some documents at some point, however, should have no bearing on whether Captain O'Callaghan should be produced for deposition this week. The Federal Rules of Civil Procedure are clear in that, unless the Court orders otherwise, the "fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party-s discovery." Rule 26(d), Fed. R. Civ. P.

14. There has been no prior request for the relief sought herein.

WHEREFORE, it is respectfully requested that the Government's petition for the annexed order to show cause be signed.

DENNISON YOUNG, JR.
Assistant United States Attorney

Sworn to before me this
26th day of June, 1974.

MARY L. AVENT
Notary Public, State of New York
No. 03-4500237
Qualified in Bronx County
Cert. Filed in Bronx County
Commission Expires March 30, 1975

Exhibits A - B

Annexed to Order To Show Cause

And

Plaintiff's Affidavits

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

- -x

JAMES D. HODGSON, :

Secretary of Labor, :
United States
Department of Labor, :

Plaintiff, : 73-Civ. 5-31 CBM

- against - :

INTERNATIONAL ORGANIZATION of MASTERS, :
MATES and PILOTS, INTERNATIONAL
MARITIME DIVISION, ILA-AFL-CIO, :

Defendant. :

- -x

TRANSCRIPT of PROCEEDINGS before HONORABLE MAGISTRATE HAROLD J. RABY, in his Chambers, Room 610, in the United States Court House, Foley Square, New York, New York, at 11:15 o'clock A.M. on Tuesday, June 25, 1974.

RALPH FINK & ASSOCIATES
Certified Stenotype Reporters
140 NASSAU STREET
NEW YORK, N. Y. 10038

REctor 2-5566

A P P E A R A N C E S:

PAUL J. CURRAN, ESQ.
United States Attorney
United States Court House
Foley Square
New York, New York 10007

BY: JOSEPH DANAS, ESQ.,
Assistant United States Attorney,

BOBBY LAWYER, ESQ.,
Assistant United States Attorney,

DENNISON YOUNG, ESQ.,
Assistant United States Attorney.

- - -

Joann Sokol,
Reporter.

P R O C E E D I N G S

MAGISTRATE RABY: This is in the matter of Hodgson, Secretary of Labor versus International Organization of Masters, Mates and Pilots, et cetera, Docket No. 73-Civ. 5031 CBM, being Judge Motley's case.

Will counsel state your appearances on the record?

MR. YOUNG: We have indicated so to the reporter previously.

Mr. Lawyer does not appear to be present at the moment, but he is indicated to be on the case.

MAGISTRATE RABY: I wish to make the following statement on the record of this case.

Yesterday, June 24, 1974, I instructed Mr. Young, Assistant United States Attorney, who is in charge of this matter insofar as the Plaintiff is concerned, to inform opposing counsel in this case, Mr. Marvin Schwartz, that I wish to confer with counsel in this case at my office, Room 610 at 10:00 A.M. today, June 25, 1974 in pursuance of my general supervision of pretrial proceedings in this case under Rule 16, Federal Rules of Civil

Procedure;

Further, in pursuance of a specific request for such conference made by the Assistant United States Attorney, Mr. Young, who characterized such request as being of a most urgent nature.

It is now 11:15 A.M. I wish to note on the record of this case that it is now 11:15 A.M. and that the Assistant United States Attorney is present on behalf of the Plaintiff, but neither Mr. Schwartz or any authorized lawyer from his office representing the Defendants are present.

In view of such absence and in view of the fact that such absence is presumably deliberate as evidenced by the fact that Mr. Schwartz yesterday filed a motion in the Court returnable before Judge Motley on June 28th, which challenges the propriety of my having called this conference,

I wish to make the following statement on the record to be considered by Judge Motley in connection with her examination of Mr. Schwartz' motion and also to be considered as constituting a certificate issued by me as a Magistrate of this Court, pursuant to Title 28, U.S. Code Section 636D relating to possible contempt of court committed by

Mr. Schwartz in this connection.

This statement is as follows: On or about April 29, 1974 pursuant to the provisions of Title 18, U.S. Code, Section 636B (2) and General Rule 35, General Rules of this Court and also Rule 16 of the Federal Rules of Civil Procedure relating to the conduct of pretrial proceedings. Judge Motley referred this case to me as a Magistrate of this Court for the conduct of pretrial proceedings and for their regulations thereof.

Thereafter, on June 24, 1974 in accordance from the authorization conferred upon me as aforesaid by Judge Motley, I scheduled a conference to be held in this case at 10:00 A.M. the following day, June 25, 1974 to consider what was represented by Assistant United States Attorney, Mr. Young, to be a most urgent application by the Government relating to a dispute in this case concerning the discovery matter. Immediately after such conference was scheduled by me, I received a telephone call from Mr. Schwartz, attorney for the Defendants, protesting my scheduling of the conference on such short notice. He urged first that the U.S. Government claims of urgency was invalid. He

further urged that he had an important legal matter scheduled in Philadelphia to be held on June 25th.

In response, I stated to him that I could not resolve the question raised by Mr. Schwartz as to the urgency of the matter on an ex parte basis, but that I would be glad, in view of Mr. Schwartz' stated engagement in Philadelphia the following day, to hear the matter immediately, that is to say, on June 24th and I also agreed to adjourn the matter if Mr. Schwartz could confer forthwith with the United States Attorney and either work the matter out amicably, or get the United States Attorney's consent to an adjournment. I made that specific suggestion particularly in the light of representations that had been made to me by the United States Attorney that prior telephone calls to Mr. Schwartz' office in his apparent absence had been unheeded and unreturned.

The suggestions that I made to Mr. Schwartz in the foregoing respect were not acceptable to him; he, indicating to me that it was necessary for him to spend the remainder of that afternoon preparing for the Philadelphia matter. I thereupon

indicated that it would be necessary for either Mr. Schwartz or an authorized attorney from his office to be present the following day, June 25th.

Today, June 25th, at 10:00 A.M., the Government counsel appeared but no one appeared from the Office of the Defendants' attorney. As I previously indicated, non-appearance was obviously deliberate as evidenced by the fact that notwithstanding, Mr. Schwartz' representation to me that he lacked time to see me on the 24th because of the obligation to prepare for the Philadelphia matter, he somehow managed to find time to prepare and file a motion returnable on June 28th, in which he requests an adjournment of this matter scheduled for June 25th.

Since, as just indicated, Mr. Schwartz chose to proceed by routine motion, rather than by order to show cause with a temporary restraining order, one must necessarily, therefore, consider his motion as being in the nature of an application for an ex post facto ratification by a District Judge of this Court of a prior unilateral determination by Mr. Schwartz as attorney for the defendants to ignore and defy as arbitrary and

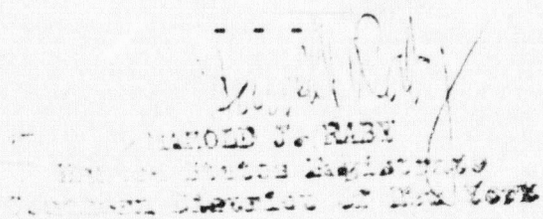
capricious my direction that he appear before me at a pretrial conference called for 10:00 A.M. this date, June 25th.

In my view, the aforementioned conduct by Mr. Schwartz constitutes a contempt of this Court and I so certify, pursuant to the provisions of Title 28, U.S. Code, Section 636D, and pursuant to the said statute, I hereby direct the Office of the United States Attorney to prepare an order to show cause why the said counsel should not be held in contempt of this Court.

This proceeding is closed.

(At 11:30 o'clock A.M. the proceeding was closed.)

- - -



DY,Jr.:n
72-3660

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON,
Secretary of Labor, and the
United States Department of Labor,

Plaintiff,

v.

INTERNATIONAL ORGANIZATION OF
MASTERS, MATES & PILOTS,
INTERNATIONAL MARITIME DIVISION,
ILA-AFL-CIO,

Defendant.

Ex. B

AFFIDAVIT

72 Civ. 5031 CBM

STATE OF NEW YORK)
COUNTY OF NEW YORK : ss.:
SOUTHERN DISTRICT OF NEW YORK)

JOSEPH D. DANAS, being duly sworn, deposes and says:

1. I am an Assistant United States Attorney in the office of Paul J. Curran, United States Attorney for the Southern District of New York and am one of the Assistant United States Attorneys handling the above-captioned action on behalf of plaintiff.

2. I submit this affidavit in support of the Government's Order To Show Cause and underlying papers thereto, and in particular, in support of the Government's efforts to accomplish the completion of the deposition of Thomas F. O'Callaghan, President of defendant union, this week.

3. I was formerly in charge of the prosecution of the instant action and am fully familiar with the extensive files in this matter. In that capacity, I commenced the taking of the deposition of Captain O'Callaghan on May 22, 1974. As the deposition was not completed on that day,

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it was adjourned pending the scheduling of subsequent session(s).

4. In the latter connection, I asked Mr. Young, the Assistant United States Attorney now in charge of the action, to attempt to arrange for the completion of said deposition prior to June 28, 1974, the date of my scheduled resignation from the United States Attorney's Office. It was those efforts that brought about the instant situation.

5. While Mr. Young's affidavit fully outlined said attempts to arrange for the completion of Captain O'Callaghan's deposition, the Court, for purposes of clarity and completeness, should be apprised of the proceedings immediately prior to those attempts.

6. On May 13 and 15, 1974 the parties attended pre-trial conferences before the Honorable Harold J. Raby, United States Magistrate, at which two basic matters were agreed upon: (a) that an expedited trial date would be sought from Your Honor; and (b) that a schedule for the completion of discovery be agreed upon consistent with said expedited trial date.

7. In the latter connection, the Government informed Marvin Schwartz, Esq., counsel for defendant union, that it sought to depose at least four persons: Captains O'Callaghan, Lowen, Valensi and Nelson. Captain O'Callaghan's deposition commenced on May 22, 1974. Captain Lowen's commenced on May 23, 1974 and was completed on May 29, 1974.

8. When Captain O'Callaghan's deposition was adjourned on May 22, 1974, Mr. Schwartz stated that he would let us know when it could be resumed and at the first installment of Captain Lowen's deposition, on May 23, 1974,

GPO 1972 O - 474-479

Mr. Schwartz stated that the O'Callaghan deposition would be resumed either on May 30, or May 31, 1974.

9. On May 29, 1974 at the second installment of the Lowen deposition, Mr. Schwartz informed your deponent that it was not possible to produce Captain O'Callaghan on May 30 or 31, 1974, but that he would be produced on June 3, 1974, immediately subsequent to a scheduled meeting with Magistrate Raby.

10. On May 31, 1974, Mr. Schwartz stated, during a telephone call with your deponent, that he refused to produce Captain O'Callaghan unless he, as a condition precedent, received all of the documents requested at the two depositions of Government employees. When your deponent mentioned to Mr. Schwartz that the documents requested were voluminous, that they were being gathered, and that in any event the Federal Rules of Civil Procedure, relating to pre-trial discovery, did not provide for such a quid-pro-quo situation, he was insistent upon adhering to the aforementioned demand.

11. On June 18, 1974, your deponent called Mr. Schwartz with regard to the O'Callaghan deposition, and Mr. Schwartz stated, after your deponent stated that I was leaving the Government's employ on or about June 28, 1974, that he would try to produce Captain O'Callaghan, for examination, on June 20 or 21, 1974, but, in any event, prior to June 28, 1974.

12. For the reasons stated in Mr. Young's deposition, it would be, we submit, prejudicial to the Government's case herein, if the deposition of Captain O'Callaghan is not completed on or before June 28, 1974.

DY,Jr.:n
72-3660

WHEREFORE, your deponent prays that the Government's instant motion be granted in all respects.

JOSEPH D. DANAS
Assistant United States Attorney

Sworn to before me this
26th day of June 1974.

Mary L. Avent
Notary Public

MARY L. AVENT,
Notary Public, State of New York
No. 03-4500237
Qualified in Bronx County
Cert. Filed in Bronx County
Commission Expires March 30, 1975

U.S. MARSHAL SERVICE
INSTRUCTION AND PROCESS RECORD

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE U.S. MARSHAL" on the reverse of the last (No. 5) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

591a

PLAINTIFF: JAMES D. HODGSON, SEC'Y OF LABOR, U.S. DEPT. OF LABOR

COURT NUMBER: 72 Civ 5031 (CBM)

DEFENDANT: International Organization of Masters, Mates & Pilots, ...

TYPE OF WRIT: ORDER TO SHOW CAUSE

SERVE / AT

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN: MARVIN SCHWARTZ, ESQ

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code): 243 Waverly Place, New York, N.Y. 10014

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:

D. YOUNG
A.U.S.A.
U.S. COURTHOUSE
FOLEY SQUARE
NEW YORK, NEW YORK

Show number of this writ and total number of writs submitted, i.e., 1 of 1, 1 of 3, etc.: NO. 1 OF TOTAL 2

CHECK IF APPLICABLE

☐ One copy for U.S. Attorney or designee and two copies for Attorney General of the U.S. included.

SHOW IN THE SPACE BELOW AND TO THE LEFT ANY SPECIAL INSTRUCTIONS OR OTHER INFORMATION PERTINENT TO SERVING THE WRIT DESCRIBED ABOVE.

SPECIAL INSTRUCTIONS:

Serve Marvin Schwartz personally or one of suitable age and discretion in his law office by 1:00 P.M. today.

NAME AND SIGNATURE OF ATTORNEY OR OTHER ORIGINATOR: D. Young AUSA

TELEPHONE NUMBER: 264-6266

DATE: 6/26/74

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

Show amount of deposit (*or applicable code*) and sign USM-285 for first writ only if more than one writ submitted.

I acknowledge receipt for the total number of writs indicated and for the deposit (*if applicable*) shown.

DEPOSIT CODE	DIST. OF ORIGIN	DISTRICT TO SERVE	LOCATION OF SUB-OFFICE OF DIST. TO SERVE
G	57	57	

SIGNATURE OF AUTHORIZED USMS DEPUTY OR CLERK: D Lacayo

DATE: 6/26/74

☑ I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in "REMARKS," the writ described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below.

☐ I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc., named above within this Judicial District.

NAME AND TITLE OF INDIVIDUAL SERVED (*If not shown above*): Miss M. Hankin Secretary of Marvin Schwartz

☐ A person of suitable age and discretion then abiding in the defendant's usual place of abode.

ADDRESS (*Complete only if different than shown above*)

FEE (*If applicable*): $ 30

MILEAGE: $ —

DATE(S) OF ENDEAVOR (*Use Remarks if necessary*)	DATE OF SERVICE	TIME	SIGNATURE OF U.S. MARSHAL OR DEPUTY
	6/26/74	12:30 AM/PM	Peter J. Hamilton

REMARKS

USM-285 (Ed. 7-1-70)

1. CLERK OF THE COURT

U.S. MARSHALS SERVICE

INSTRUCTION AND PROCESS RECORD

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROC BY THE U.S. MARSHAL" on the reverse of the last (No. 5) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

5923

PLAINTIFF: James D Hodgson, Sec of Labor, U.S Dept of Labor

COURT NUMBER: 72 Civ 5031 CBM

DEFENDANT: International Organization of Masters, Mates & Pilots

TYPE OF WRIT: O/S/C

SERVE → NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN: International Organization

AT → ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code): 243 Wanely Pl Hempstead NY 11554

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:

D. Young AUSA
Rm 331C

Show number of this writ and total number of writs submitted, i.e., 1 of 1, 1 of 3, etc. → NO. 2 OF TOTAL 2

CHECK IF APPLICABLE:

☐ One copy for U. S. Attorney or designee and two copies for Attorney General of the U. S. included.

SHOW IN THE SPACE BELOW AND TO THE LEFT ANY SPECIAL INSTRUCTIONS OR OTHER INFORMATION PERTINENT TO SERVING THE WRIT DESCRIBED ABOVE.

SPECIAL INSTRUCTIONS:

And Serve the Organization

NAME AND SIGNATURE OF ATTORNEY OR OTHER ORIGINATOR: Deanne Siemer

TELEPHONE NUMBER: 264-6266

DATE: 6/26/74

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

Show amount of deposit (or applicable code) and sign USM-285 for first writ only if more than one writ submitted. → DEPOSIT/CODE: G | DIST. OF ORIGIN: 34 | DISTRICT TO SERVE: 37 | LOCATION OF SUB-OFFICE OF DIST. TO SERVE:

I acknowledge receipt for the total number of writs indicated and for the deposit (if applicable) shown. | SIGNATURE OF AUTHORIZED USMS DEPUTY OR CLERK: | DATE: 6/26/74

☑ I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in "REMARKS," the writ described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below.

☐ I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc., named above within this Judicial District.

NAME AND TITLE OF INDIVIDUAL SERVED (If not shown above): Miss M. Hamilton - Secretary of Managing Solicitor

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

ADDRESS (Complete only if different than shown above):

FEE (If applicable): $ 3.04 | MILEAGE: $ 60

DATE(S) OF ENDEAVOR (Use Remarks if necessary) | DATE OF SERVICE: 6/26/74 | TIME: 12:30 AM PM | SIGNATURE OF U. S. MARSHAL OR DEPUTY: John F. Shanahan

REMARKS

USM-285 (Ed. 7-1-70)

1. CLERK OF THE COURT

Order - Withdraw Application for Contempt

DY,Jr.:n

593a

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON, Secretary of Labor, United States Department of Labor,

Plaintiff,

v.

INTERNATIONAL ORGANIZATION OF MASTERS, MATES, AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

NOTICE OF SETTLEMENT

72 Civ. 5031 CBM

PLEASE TAKE NOTICE that the annexed Order, supported by the affidavit of Assistant United States Attorney Dennison Young, Jr., will be presented for settlement and signature before the Honorable Constance Baker Motley, United States District Judge, at the same time as and as a substitute for the "Judgment Dismissing Application for Judgment of Contempt" presented by Marvin Schwartz, for himself and on behalf of defendants, noticed for settlement on July 1, 1974 at 2:00 P.M..

Dated: New York, New York
June 28, 1974

Yours, etc.,

PAUL J. CURRAN
United States Attorney for the
Southern District of New York,
Attorney for Plaintiff

By: _____
DENNISON YOUNG, JR.
Assistant United States Attorney
Office & Post Office Address:
United States Courthouse
Foley Square
New York, New York 10007
Telephone No.: (212) 264-6266

TO:
MARVIN SCHWARTZ, ESQ.
243 Waverly Place
New York, New York 10014

DY,Jr..n

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON, Secretary of Labor, United States Department of Labor,

Plaintiff,

v.

INTERNATIONAL ORGANIZATION OF MASTERS, MATES, AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

ORDER

72 Civ. 5031 CBM

U.S. DISTRICT COURT
FILED
JUL 5 1974
S. D. OF N. Y.

This matter, seeking to hold Marvin Schwartz, Esq., in contempt of this Court, having come on for a hearing before the Court, Honorable Constance Baker Motley presiding, commencing at 4:15 p.m. on the 26th day of June 1974, and the parties hereto having agreed in open court that Thomas F. O'Callaghan, President of the International Organization of Masters, Mates and Pilots will be produced at 10:30 a.m. on Thursday, June 27, 1974 at the office of the United States Attorney, Foley Square, New York, New York, for completion of his deposition, and the parties having further agreed that the plaintiff will expeditiously furnish the documents and answers previously agreed to during the course of the depositions of Henry W. Berry and Brian P. O'Hanlon, representatives of the plaintiff, it is hereby

ORDERED, ~~ADJUDGED AND DECREED~~ that the application for a judgment of contempt be and hereby is withdrawn with the consent of Magistrate Harold J. Raby, and it is further

DY,Jr.:n

ORDERED, [redacted] that Thomas F. O'Callaghan, President of the defendant, International Organization of Masters, Mates and Pilots, International Maritime Division, ILA, AFL-CIO be produced at 10:30 a.m. on Thursday, June 27, 1974 at the office of the United States Attorney, Foley Square, New York, New York for the completion of his deposition, and it is further

ORDERED, ADJUDGED AND DECREED that the plaintiff will expeditiously furnish the documents and answers previously agreed to during the course of the depositions of Henry W. Berry and Brian P. O'Hanlon, representatives of the plaintiff.

Dated: New York, New York

June 28th, 1974

U. S. D. J.

[redacted]

DY,Jr.:n

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON, Secretary of Labor, United States Department of Labor,

Plaintiff,

v.

INTERNATIONAL ORGANIZATION OF MASTERS, MATES, AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

AFFIDAVIT

72 Civ. 5031 CBM

STATE OF NEW YORK)
COUNTY OF NEW YORK : ss.:
SOUTHERN DISTRICT OF NEW YORK)

DENNISON YOUNG, JR., being duly sworn, deposes and says:

1. I am an Assistant United States Attorney in the office of Paul J. Curran, United States Attorney for the Southern District of New York, and as such I am in charge of this case.

2. On Wednesday, June 26, 1974, Marvin Schwartz was ordered to show cause, that day, why a) a judgment should not enter holding him in contempt of this Court for violating and disregarding the directive of the Honorable Harold J. Raby and b) why an order should not be entered compelling the production of Thomas F. O'Callaghan, President of the International Organization of Masters, Mates and Pilots, for completion of his deposition on or before June 28, 1974.

DY,Jr.:n

3. This matter came on for hearing before the Honorable Constance Baker Motley that afternoon at which time the parties agreed that Thomas F. O'Callaghan would be produced at 10:30 A.M. June 27, 1974 for continuation of his deposition and that they would expeditiously furnish documents requested during the course of previous depositions.

4. At the direction of the Honorable Harold J. Raby, our office prepared the above mentioned Order To Show Cause with respect to the contempt of Mr. Schwartz. Late Wednesday and again Thursday morning, I discussed with Magistrate Raby the agreements reached by the parties before Your Honor June 26.

5. In view of the agreements and indeed of the results, insofar as Thomas F. O'Callaghan was produced for further deposition, Magistrate Raby consents to a withdrawal of his certification, pursuant to 28 U.S.C. § 636(d), of Mr. Schwartz for contempt.

6. On behalf of Magistrate Raby, and at his request, we recommend that the annexed Order, presented in substitution for the "Judgment" presented by Mr. Schwartz, be signed. Our substitution merely rephrases paragraph two on page one of Mr. Schwartz's proposed "Judgment" as follows:

> ORDERED, [redacted]
>
> that the application for a judgment of contempt be and hereby is marked withdrawn, with the consent of Magistrate Harold J. Raby, and it is further

GPO 1972 O - 474-479

DY,Jr.:n

598a

WHEREFORE, it is respectfully requested that the annexed Order submitted by the plaintiff in this action be signed.

DENNISON YOUNG, JR.
Assistant United States Attorney

Sworn to before me this
28th day of June 1974.

Notary Public

RALPH I. LEE
Notary Public, State of New York
No. 41-2292838 Queens County
Term Expires March 30, 1975

Memo Endorsed on Motion filed June 24, 1974

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

- x

JAMES D. HODGSON, Secretary of Labor, U. S. Department of Labor,

Plaintiff,

-against-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, AFL-CIO,

Defendant.

- x

599a

NOTICE OF MOTION FOR ADJOURNMENT

72 Civ. 5031 CBM

S I R S :

PLEASE TAKE NOTICE that upon the annexed Affidavit of Marvin Schwartz, duly sworn to the 24th day of June, 1974, and upon all of the heretofore pleadings and proceedings had herein, the undersigned will move this Court on the 28th day of June, 1974, at 11:30 A.M., before The Honorable Constance Baker Motley, for an adjournment of Magistrate Harold J. Raby's order; transmitted to the undersigned, at 2:30 P.M., this June 24, 1974, by Dennison Young, Jr., attorney for the plaintiff; that the undersigned appear in the Magistrate's Chambers at 10:00 A.M. on June 25, 1974; and that such appearance be further adjourned until such time as some minimal reasonable notice is given.

Dated: New York, N. Y.
June 24, 1974

Marvin Schwartz

MARVIN SCHWARTZ
Attorney for Defendant
243 Waverly Place
New York, N. Y. 10014
Tel.: 212 691-2250
or WH 4-8505

TO:

HON. HAROLD J. RABY,
Magistrate
United States District Court
Southern District of New York
United States Courthouse
Foley Square
New York, New York 10007

DENNISON YOUNG, JR., Esq.
Assistant United States Attorney
United States Department of Justice
United States Courthouse
Foley Square
New York, New York 10007

UNITED STATES DISTRICT COURT
FOR THE SECOND CIRCUIT

----------x

JAMES D. HODGSON, Secretary of Labor, U.S. Department of Labor,

Plaintiff,

-against-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS,

Defendant.

72 Civ. 5031

AFFIDAVIT

----------x

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

MARVIN SCHWARTZ, being duly sworn, deposes and says:

1. I have been General Counsel for the defendant since 1956 and I am fully familiar with all of the facts and circumstances in the instant litigation.

2. At approximately 2:30 this day, Monday, June 24, I received a telephone message from the attorneys for the plaintiff advising that Magistrate Raby had scheduled a hearing before him for 10 a.m. tomorrow morning, Tuesday, June 25.

3. I immediately called Magistrate Raby's chambers and spoke with him personally. I explained that I had a commitment to be in Philadelphia tomorrow, Tuesday, June 25, with regard to litigation against the defendant which had been scheduled before a trial judge (Edward Bradley) in the Court of Common Pleas. I started to explain the urgency of the Philadelphia litigation which involved 12 plaintiffs and also has involved

the scheduling of a large number of other attorneys both from New York and Philadelphia. I suggested to Magistrate Raby that I come before him the next day, Wednesday, June 26, in the afternoon. This request was completely refused.

4. I asked Magistrate Raby what the problem was which necessitated the urgency of this meeting. He advised that he had been told by the attorney for the plaintiff that this was a matter of great urgency and that I had refused to permit the completion of the necessary depositions. I asked Magistrate Raby if he knew that since the last time we were before him, the entire case had been postponed at the request of the U.S. Attorney's office and that no date for the trial had been set. I also tried to explain to Magistrate Raby that all parties were to return before Judge Motley at 11:30 on Friday, June 28 and that we also had another date scheduled before him on July 3 at 10 o'clock. I also tried to explain that I had been cooperating with regard to the matter of depositions; that although there were some 30 odd items still owed me from discovery that had been completed more than 1 year ago, I had nevertheless been proceeding with the depositions of my clients. However, I emphasized that all I was making was a simple request for adjournment for a day and a half. Again I tried to explain that the urgency that had existed previously, no longer existed in view of the adjournment of the trial date.

5. Magistrate Raby's reaction was one of extreme irritation; some strong language; a reminder that he was a Judicial Officer; and that parties before the court must respond

to Orders to Show Cause and therefore he could order them before him on this type of telephone notice.

6. I submit that this is an unreasonable exercise of authority; represents a total disregard for any commitment of the members of the bar of this court (who are also officers of the court); and that my client should in no way be penalized for my inability to respond to such demands.

WHEREFORE, your deponent prays that the relief requested in the instant motion be granted.

Marvin Schwartz

MARVIN SCHWARTZ

Sworn to before me this
24th day of June, 1974.

Burton M. Epstein

BURTON M. EPSTEIN
NOTARY PUBLIC, State of New York
No. 31-6194080 Qual. in New York County
Commission Expires March 30, 1976

NOTICE OF ENTRY

Sir:- Please take notice that the within is a *(certified)* true copy of a
duly entered in the office of the clerk of the within named court on 19

Dated,

Yours, etc.,

MARVIN SCHWARTZ, P.C.

Attorney for

Office and Post Office Address

243 Waverly Place

Borough of Manhattan New York, N. Y. 10014

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir:—Please take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on the day of 19

at M.

Dated,

Yours, etc.,

MARVIN SCHWARTZ, P.C.

Attorney for

Office and Post Office Address

243 Waverly Place

Borough of Manhattan New York, N. Y. 10014

To

Attorney(s) for

Index No. 72 Civ. 5031 Year 19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON, Secretary of Labor, U. S. Department of Labor,

Plaintiff,

-against-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, AFL-CIO,

Defendant.

NOTICE OF MOTION FOR ADJOURNMENT

MARVIN SCHWARTZ, P.C.

Attorney for Defendant

Office and Post Office Address, Telephone

243 Waverly Place

Borough of Manhattan New York, N. Y. 10014

691-2250

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

1000 © 1966, JULIUS BLUMBERG, INC., 80 EXCHANGE PLACE, N. Y. 4

The parties having appeared before the Court on 6/28/74 and further proceedings having been set for 10/3/74, 4 PM at a place to be designated by the Court, the within motion is dismissed as moot.

Dated: N.Y., N.Y.
9/6/74

SO ORDERED

Constance Baker Motley
U.S.D.J.

U.S. DISTRICT COURT S.D. OF N.Y. SEP 11 1974

COPY RECEIVED
Jane A. Curran
UNITED STATES ATTORNEY
6/24/74

MICROFILM
SEP 12 1974

Served upon Hon. Harold J. Ruby
4:45 Jun. 24, 1974
Rosalyn Adams

6032

Plaintiff's Additional Response to Demand
For Information - Berry Addendum

:sr
-3882
74

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON, Secretary of Labor, U.S. Department of Labor,

Plaintiff,

-v-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES and PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant

604a

72 Civ. 5031 (CBM)

U.S. DISTRICT COURT
FILED
SEP 13 1974
S.D. OF N.Y.

The following statements and documents constitute plaintiff's additional responses to demands for information made by defendant during the deposition of HENRY W. BERRY herein.

Deposition Page(s) No.	Response
7	See Exhibit H B 1
20-25	See Exhibit H B 2 & subd's
29	Information may have been submitted by complainants' attorney or union; specific source(s) is unknown.
30-33	See Exhibits H B 2 & H B 3; unable to determine with further specificity what other documents, if any, may have been submitted by a particular complainant.
51	On information and belief, by mail.
52-53	According to minutes of the meeting of the General Executive Board, the Board made a decision denying the appeals on January 26, 1972.

DY:bj
72-3882

605a

Deposition Page(s) No.	Response
54	Addressee was BURTON M. HALL, ESQ., 401 Broadway, New York, New York 10013; carbon copy sent to MARVIN SCHWARTZ, ESQ.
62-63	See Exhibit H B 4 & subd's
64	See Exhibit H B 5
68	See Exhibit H B 6A
71	See Exhibit H B 7
73-76	See Exhibits H B 3, H B 6A H B 6B & H B 7.
82	Capt. O'Callaghan and other officers and employees of defendant Union.
123	Those who supported affiliation with ILA and others who aligned themselves with said candidates.
125-26	See Exhibit H B 8. Also see the Exhibit marked "C" for identification during deposition of Berry.
134	No specific regulations define the particular size or location of photographs, type, et. cet. However, Defendant is directed to 29 U.S.C. § 481(c) and regulations adopted pursuant thereto insofar as they pertain to equality of treatment.
134-35	None known at the present time.
137-38	Went out as First Class Mail on or about November 26, 1971, purportedly to all members of Defendant.
138	Captain O'CALLAGHAN and all those candidates associated with him.

Deposition Page(s) No.	Response
155-57	See Exhibits H B 2, H B 4 and H B 5.
159	Defendant has information respecting each of the sixteen complainants and the local to which he did or does belong.
185	One-hundred-fifteen (115) ballots arrived after ballot box was picked up on December 22, 1971.
187	Defendant, its election committee and other employees, officers agents and persons of whom defendant has specific knowledge.
191-195	See Exhibit H B 9.
198-204	Failure to provide Local 88 list may have affected outcome of all elections concerning Local 88/Vice President-Atlantic and all International Offices.
205	See Exhibit H B 9.
206	FRANK T. SCAVO, Executive Assistant Port Agent, New York by letter dated August 12, 1971.
207-08	September 13, 1971; Request by LaROCCA to Captain Henry Stegall.
209	May have affected the outcome of the election in many ways, not the least of which was that LaROCCA's right to search for supporters, campaign workers, contributors, to review for inegligible voters, to prepare campaign strategy and tactics and so forth was severely curtailed.
212-13	All positions on West Coast.
213	May have affected the outcome of the election with respect to Dente in the same way as described above with respect to LaROCCA - see response to 209 above.

Deposition Page(s) No.	Response
220	Request made in early August, 1971 of Robert Nelson, Port Agent of Wilmington, Calif. Although first advising Sawyer he could inspect, Nelson later denied Sawyer the right to inspect upon instruction from the International union.
221	Request made of Frank T. Scavo, Executive Assistant Port Agent, Port of New York for ship list and mailing list. Scavo referred Burlingame to the International Secretary-Treasurer.
237	See Exhibits H B 10A, H B 10B, & H B 10C.
238-239	-
239	Sawyer - early August, 1971; See H B 10-A, B & C
240	LaROCCA, candidate for Port Agent of New Orleans made request of Henry Stegall and told to contact AAA in N.Y.C. See also H B 11
240	See H B 12.
245	George Vance
249	All incumbents running with O'Callaghan. See Exhibit H B 8 and 13. Campaign Literature.
262	See H B 2 and subd's. See also action in this Court 71 Civ. 4113 and complaint to International Ballot Committee (minutes of 8/30/71).
262	Yes; Article V, Section 9(a) of the Constitution.
266	Yes; Article V, Section 9(a) of the Constitution.
284 and 285	Ballots not prepared immediately following tenth day after close of nominating period nor were ballots mailed within thirty days following the close of the nominating period. Campaign literature required to be mailed from N.Y.C. through AAA.

:sr
-3882
74

Deposition Page(s) No.	Response	608a
289	Reports containing summary conclusions and opinions of investigation-not discoverable; information otherwise supplied in H B 6B.	

CERTIFICATION

I have read the foregoing and the information set forth therein is true and correct to the best of my knowledge, information and belief.

Henry W. Berry

HENRY W. BERRY

Sworn to before me this
day of September, 1974.

BEATRICE B. SCHWAGER
Notary Public State of New York
No. 31 8866600
Qualified in New York County
Commission Expires March 30, 1976

Beatrice B. Schwager

Notary Public

DY:sr
72-3882
n-74

INDEX TO
ADDENDUM TO
BERRY DEPOSITION

Exhibit #	Contents
H B 1	List of New York Area Office Compliance Officers who worked on Masters, Mate & Pilots
H B 2	Letter dated 12/18/71; Norstrand to IBC and M. Carlson
" 2A	Letter dated 12/22/71 Koonce, et al. to IBC and M. Carlson
" 2B	Letter dated 12/23/71; Hall to IBC
" 2C	Letter dated 12/29/71; Hall to IBC.
" 2D	Letter dated 1/5/72; Hall to IBC
" 2E	Letter dated 1/6/72; Sheldon and Hemming to IBC
" 2F	Letter dated 1/19/72; Hall to GEB/Lowen
H B 3	Statement as to documents provided to DOL by Sheldon.
H B 4	Letter dated 3/6/71; Burlingame to DOL
" 4A	Letter dated 2/23/72; Hall to DOL concerning LaRocca and Coyle.
" 4B	Letter dated 2/23/72; Hall to DOL concerning Gordon.
H B 4C	Letter dated 3/29/72; Hall to DOL concerning all sixteen complainants
H B 5	Letter dated 12/21/71 from Andrews protesting election for Port Agent of Providence.
H B 6A	List of Compliance Officers in N.Y.A.O. and persons interviewed
H B 6B	List of Compliance Officers outside N.Y.A.O. and persons interviewed.
H B 7	Statement of documents examined by DOL during investigation.
H B 8	Sample Ballot/Campaign Literature
H B 9	List of violations in International Constitution and Off Shore Division By-laws.
H B 10A	Dente campaign letter
H B 10B	West Coast Mates' Campaign Literature - "Committee Contends"
H B 10C	West Coast Mates' Campaign Literature - "West Coast Mates Committee Recommends" and "8 Bells Time To Relieve the Watch"
H B 11	La Rocca campaign literature
H B 12	Gordon campaign literature
H B 13	Sample Ballot/Campaign Literature

Exhibits

HB 1 to HB 9

and

HB 10A to HB 12

HB1

610a

New York Area Office
Compliance Officers Who Worked
On Masters, Mates & Pilots

Broadnax, Thomas E.
Anderson, Thomas W.
Becker, Martin
Bruckner, Samuel D.
Berger, William
Chang, Theodore T.C.
Conti, Adam J.
Flores, Leroy
Forakis, George J.
Gray, Joan
Guerrero, Peter
Maul, George F.
O'Hanlon, Brian P.
Porter, Carol S.
Romney, Norman B.
Siegel, Raphael
Sokolsky, Rona

SHELDON EX 2
a.s. 2/1/71

611a

Dec. 18th, 1971

International Ballot Committee
International Organization of Masters, Mates & Pilots
39 Broadway
New York, N.Y. 10006

Mrs. Margaret A. Carlson, Election Director
American Arbitration Association
140 West 51st St.
New York, N.Y. 10019

Dear Sirs and Madam:

Please be advised herewith of the appointment of Capt. Lloyd W. Sheldon as my representative observer at the time of counting of the ballot; and any and all Challenges he may present to you in my behalf; as a Candidate for the office of International Secretary-Treasurer.

Very Truly Yours,
Charles O. Norstrand
Member Offshore Division - 081-18-4174
Book 64 - Former Local 24
320 So. Surf Road, Apt. 605
Hollywood, Florida. 33020

December 22, 1971

International Ballot Committee
Int'l Org'n of Masters, Mates & Pilots
39 Broadway
New York, N.Y., 10006

Mrs. Margaret U. Carlson, Election Director
American Arbitration Association
140 West 51st Street
New York, N. Y.

Dear Sirs and Madam:

In addition to previously challenging all ballots not postmarked, we now challenge all ballots not postmarked to be set aside and, if counted, to be counted separately from all other ballots.

Very truly yours,

Amos Koonce
Lloyd Sheldon
V. Soto
John R. Seybert
H. L. Nereaus
L. Burlingame
Charles A. Hemming

H5.23

613a

Burton H. Hall
401 Broadway
New York, N.Y., 10013

December 23, 1971

International Ballot Committee
Int'l Org'n ofMasters, Mates & Pilots
39 Broadway
New York, N.Y.

Gentlemen:

This will confirm the challenge made orally by me to the Committee this morning, on behalf of candidates Sheldon, Koonce, Norqtrand, Hemming, Soto and Nereaux, as regards the decision of the Committee, made after the votes for the three top offices in the former Local 88 had been counted, not to count those ballots that did not have postmarks on the outer envelopes. The basis of my objection is concerned with the timing of the decision, the fact that its effect on the candidates was known at the time it was made, and th fact that it constituted a reversal of the decision made and announced earlier by the Committee.

I also objected, and here confirm my objection, to the failure of the Committee to have counted those ballots received after December 21 but mailed and post-marked prior thereto, within the 90-day period prescribed by the International's Constitution; and also to the failure of the Committee to rule upon the ballots challenged and set aside by the counters.

Your attention to these challenges is requested; please advise me promptly of whatever action and/or disposition is made ofthem.

Very truly yours,

cc.: Ms. Margaret U. Carlson,
Election Director, AAA

bc.: Mr. H. Warren Berry,
LMSA

RECEIVED
DEPARTMENT OF LABOR
DEC 27 1971
NYAO LMSA

HB2C

614a

December 29, 1971

International Ballot Committee
Int'l Org'n of Masters, Mates & Pilots
29 Broadway
New York, NY.

Dear Sirs~~and Brothers~~:

On behalf of Messrs. Sheldon, Koonce, Norstrand, Hemming, Soto and Nereaux, candidates for office in the IOMM&P election that was concluded, with the completion of the ballot count, on December 23, 1971, I hereby appeal from the conduct of the said election.

Annexed hereto is a copy of a letter dated December 21, 1971, several copies of which, signed by various candidates for office, were delivered to you on that date; the challenges specified therein are incorporated herein as bases for my appeal.

In addition to the specifications given in the December 21, 1971 letter, the following are also bases for this appeal.

1. More than 100 ballots received after December 21 but mailed and postmarked prior to midnight of December 21 were not counted despite protests mad e by me and by various candidates. As you know, the IOMM&P constitution requires tht all such ballots be counted -- and that only those ballots postmarked after the close of the 90-day election period be excluded from the count.

2. Contrary to the constitutional provisions cited above, the notice sent to voters erroneously instructed them that ballots received after midnight of December 21 would not be counted and this notice misled many members into the belief that it was or would be futile to send in their ballots on the last or near to the last day of the 90-day period.

3. Several hundred ballots were challenged by the counters or were set aside as possibly subject to challenge and these ballots have never been counted; moreover, they have never been ruled upon, nor have candidates or other persons been advised as to what the various challenges are or how many ballots are involved in each possible challenge; as a result, many ballots that should be counted were left uncounted.

4. No check was made regarding the ballots cast by members of Inland Locals, specifically, by members of Locals ## 4, 5, 14 and 24, of the dues status and eligibility of voters to vote, despite demand made for such a check by several candidates and other members and despite the rqquirements of constitutional provisions Section 3, Article VI, International Constitution. In view of the indiscriminate mailing-out of ballots to persons not eligible to vote, revealed by the large number of ballots received from such ineligible voters, it is apparent that this failure to check may have affected the outcome of theelection.

5. Candidates in ports other that New York were misinformed by the International Organization's official ;notice of election as to the manner by which election material would be distributed; specifically, the notice told them that such material would be distributed by local mailing agencies, when in fact they were required to distribute such material through the AAA facilities in New York City; additionally, the requirement that such distribution be carried out through New York City imposed and unair and discrimimtory burden upon candidates and infringed their rights to have such distribution by mail carried out.

6. After the ballot count from the New York Branch, former Local 88, had been completed as to the three top jobs and it was known that the incumbents had been re-elected according to such count, one of these by the thin margin of only ten votes (and this for the top job in the New York Branch, which carried with it election as Vice President-Atlantic of the Offshore Division), the International Ballot Committee, reversing its prior rulings and or indications of rulings, directed that ballots not postmarked should not be counted; as a result, several hundred ballots properly cast, 148 of which were cast by members of the New York Branch, were left uncounted.

7. The violation complained of in paragraph 6 above was further a violation for the reason that, subsequent to the challenge made by several candidates as to nan-postmarked ballots, it was learned that substantial numbers of envelopes come thoought the post office un-postmarked despite the provisions of Section 332.32 of the Postal Manual, and this information was known to the agency conducting the election.

8. Candidates other than Sheldon, and in particularcandidates other than those on his slate, were denied the opportunity to reply to the partisan campaign literature published by the IOMM&P on behalf of the incumbants, specifically the so-called "Newsletter"; so that these candidates were denied even the limited benefit of a late opportunity to reply. This basis for appeal is hereby advanced on behalf of candidate Robert George Vance.

6

9. Officers and representatives of the International Organization and Offshore Division, candidates for re-election, and in particular those in ports under the control of former Local 14 and its Port Agent, Mr. M. Weinstein, coerced and intimidated members into delivering and turning over to them unmarked ballots with their signatures on the return envelopes.

This appeal is sent to you in a good faith attempt to exhaust all remedies reasonably available to the members (including Mr. Vance) on whose behalf the appeal is made. If their are any other appellate remedies available to them or to me within the International Organization, or if any other or different method of appeal is required or any other or different step required to be taken in order fully to exhaust such remedies, please immediately so advise me.

Very truly yours,

Additional:

A. Candidate Robert Boyle Wright, a "third party" (or spoiler) candidate for International President, was given double publicity by the officials: in the Election supplement, his name, picture and statement were published to all the members and then, in a "special election supplement" mailed to all members at union expense, his name and an additional statement were published. Plainly, this "special election supplement" was campaign literature published on his behalf; unimn moneys, received by way of dues and other assessments, were expended thereon, and the material so published diarriminatorily advanced his candidacy in opposition to the opposition candidacy of candidate Sheldon and persons allied with him.

B. A letter from an Undersecretary of the Commerce Department Hamod Blackwell was obtained by the incumbent officials and published by them as campaign literature in support of their candidacies; the said letter counter-acted and cast aspersions upon leaflets published by opposition candidates challenging the policies imposed upon the IOMM&P's pension plan.

AB2D

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January 5, 1972

Certified / RRR

International Ballot Committee
Int'l Org'n of Masters, Mates & Pilots
39 Broadway
New York, N.Y.

Gentlemen:

This letter is sent by me as attorney for Lloyd Sheldon, Amos Koonce, Charles Norstrand, Charles Hemming, Victor Soto and Henry Nereaux, each of them a member of IOMM&P and a candidate in the recently-concluded election for officers of IOMM&P and its Offshore Division. On behalf of each of the above-named persons, I confirm and repeat the election protests, challenges and appeals previously made by each of them and/or by myself on their behalf. In particular, I confirm and repeat the protests, challenges and appeals stated in the letter of December 21, 1971, copies of which signed by various candidates (including several of the above-named) were submitted to you on that date; I also confirm and repeat the protests, challenges and appeals made orally by me and/or by each of the above subsequent to the count of ballots regarding the failure and refusal of the Ballot Committee to count or to authorize or direct the counting of ballots which bear no postmarks on their outer envelopes and the Committee's failure and refusal to count or to authorize or direct the counting of ballots which, though mailed before the close of the 90-day period, were received after the period had ended. In regard to both these categories of ballots, I draw your attention to Article V, Section 8(f) of the IOMM&P Constitution, which provides that all ballots mailed within the 90-day period should, if cast by eligible voters, be counted and that only those ballots which are postmarked later than the closing date are void.

In regard to all the above appeals, and on behalf of all the persons named above, I request that you advise me promptly as to any and all appellate remedies available to me and/or to any of the above-named persons, within either the IOMM&P or its Offshore Division. I likewise request that you promptly advise me of any procedural or other error committed by me or by any of the above in the submission of any such protest, challenge or appeal, and of any remedy that still remains to me and/or to any of the above-named.

It is my understanding, based upon what was told me by the Committee and by its counsel, Marvin Schwartz, Esq., that the submis-

of the December 21, 1971 letter to you on that date constitutes full exhaustion of all appellate and other remedies available to each of the complaining members (including the persons above-named) as to each of the challenges, protests and appeals stated in that letter. It is my further understanding that the oral and written challenges, protests and appeals made by myself and by various of the members (including the persons above-named) other than those contained in the December 21, 1971 letter, which were madd either on December 21, 1971 or on any subsequent date at a hearing or conference with the Ballot Committee, likewise, constituted and constitutes full exhaustion of such remedies. In the event that this understanding is in any why incorrect I request that you immediately so advise me. Unless so advised, I shall assume that the understanding set forth above is correct.

Very truly yours,

RECEIVED
U.S. DEPT. OF LABOR
JAN 14 1972
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Jan. 6, 1972

Challenge made to International Ballot Committee during ballot count at AAA on Jan 6, 1972

I challenge any decision by the Ballot Committee or any other duly constituted authority that denies the constitutional ~~right~~ and/or legal right of any eligible member of IOMAA to have his ballot counted if same was cast in accordance with the International Constitution and/or controlling Federal Law

Lloyd M Sheldon

/s/ Charles E Hemming

401 BROADWAY
NEW YORK, N. Y. 10013
431-9114

621a

January 19, 1972

General Executive Board
c/o Robert J. Lowen, Int'l Secretary-Treasdrer
Int'l Org'n of Masters, Mates & Pilots
39 Broadway
New York, N.Y., 10006

Dear Sirs:

On behalf of Lloyd Sheldon, Amos Koonce, Charles Norstrand, Charles Hemming, Lawrence Burlingame, Henry Hereaux, John Seybert, Victor Soto, John Moralis, Jack Ofelt, Ashley Gordon, George Vance, Nicholas Lamocca, Cornelius Coyle, Walter Anderson and Robert MacAlvanah, each of them a member of IOMM&P and a candidate for office in the recent election for officers of IOMM&P and its Offshore Division, I appeal from the conduct of the said election and from the violations committed in regard thereto. Specifically, on behalf of each of the persons named above, I appeal from and protest the violations of law, committed in the course of the conduct of the said election, that are specified hereinbelow.

(i) The IOMM&P's incumbent officers, in their official capacities, authorized and directed the printing, publication and distribution at IOMM&P expense, and the use of IOMM&P's mailing lists, of and for campaign literature in aid of the candidacies of the said incumbent officers as candidates for re-election. In particular, three pieces of campaign literature were printed, published and distributed by IOMM&P and at its expence and with the use of IOMM&P's mailing lists: (a) a document entitled "60th Convention Newlsetter on the Resolution of Affiliation of the IOMM&P with the ILA," which was published in late August 1971; (b) a document known as the August 1971 issue of the union's official journal, The Master, Mate & Pilot, which was published late in August or early in September 1971; and a document entitled "International Organization of Masters, Mates and Pilots" and bearing the headlines, "All Constitutional Amendments and Resolutions of the 60th Convention Ratified" and "Affiliation of IOMM&P as the International Marine Division of the ILA (AFL-CIO) Affirmed," which was published in November 1971. All these documents were published as official publications of IOMM&P, at the expense of IOMM&P, and with discriminatory use of IOMM&P's mailing lists, with equal opportunity denied other candidates for office for similar publication of their campaign literature and/or similar use of the mailing lists for such publication.

(ii)) The members of Local 47, IOMM&P, approximately 600 in number, were denied the right to vote in the election: specifically, no ballots of the election were sent to them and no ballots were sent to

them, they were given no opportunity to obtain or to cast ballots, and they were given no reasonable opportunity to nominate candidates.

(iii) The printing of ballots was turned over to a printer in Baltimore who has maintained for many years close business and other ties with incumbent officers, candidates for re-election with the result that the said incumbent officers were given control over the number of ballots printed and access to such ballots.

(iv) Contrary to the resolution of the IOMM&P Convention providing that AAA should conduct the election and contrary to that provision of the IOMM&P Constitution providing that the balloting agency shall prepare the ballot, the ballot was in fact prepared and printed without the AAA's participation and outside the control of the AAA.

(v) Contrary to Art. V, Section 3(d) of the IOMM&P Constitution, ballots were held back from mailing more than thirday days following the close of the nominating period at which nominations had been made, with the result that incumbent officers, candidates for re-election, were enabled to use the results of the affiliation resolution referendum as an adjunct to their own campaigns for re-election.

(vi) Contrary to the provisions of Art. V, Section 3(f) of the IOMM&P Constitution, the International Ballot Committee and the balloting agency failed and refused to count several hundred ballots that were properly cast and received for either or both of the following reasons: (a) the ballots, though mailed to the bank within the 90-day voting period, were received at the bank after the close of that period and/or (b) the ballots though properly mailed to the bank within the 90-day period were not postmarked on their outer envelopes.

(vii) Contrary to the provisions of the IOMM&P Constitution and OFFshore Division By-Laws which provide that the election be conducted, as regards former local union offices, in accordance with the by-laws of the former local unions, the rights of members of the former local unions were abridged as follows:

(a) the authority of the local memberships and of the local ballot committees over the election of local officers, as provided for by such local by-laws, was usurped by the International Ballot Committee and as a result neither the local memberships nor the local ballot committees were given any role or participation in the election's conduct;

(b) candidates for offices in the New York Branch of the Offshore Division were denied copies of the mailing list of the Branch, despite their requests for the same in accordance with that provision of the by-laws of the former Local 33 which guarantees to any bona fide candidate who

(c) contrary to the established election rules of the former Local 88 andof the Local 88 Ballot Committee, no signature check of signatures on the outer ballot envelope was made nor enabled to be made. 623a

(viii) The International Ballot Committee was not in fact impartial or representative of the membership but was partisan in favor of the incumbent candidates for re-election and was selected in such fashion as to make such partisanship inevitable.

(ix) Acting in a manner and for purposes partisan to the incumbent officials, the International Ballot Committee reversed its former position in regard to the counting of non-postmarked ballots after a count of postmakred ballots revealed a slight lead on the part of incumbent officers of the New York Branch and in particular on the part of the New York Port Agent and Vice-President-Atlantic of the Offshore Division; by such reversal of its former position, theInternational Ballot Committee ruled that non-postmarked ballots should not be counted, thereby ensuring the re-election of such incumbent officers.

(x) Candidates for office in ports outside New York and candidates for International Office resident outside New York were denied a reasonable opportunity to examine membership and voters' lists and were denied the right to examine lists of their own local members, all by reason of discriminatory rules adopted by the International Ballot Committee that required them to come to New York City to examine any membership list and which further required them to mail any literature out through New York City rather than through local mailing agencies.

(xi) The official election notices and the ballot itself falsely advised members: (a) that mailings to be sent out in port elections would be sent through local mailing agencies when in factall such mailings were required to be sent from New York City; and (b) that in order to be counted all ballots must be received no later than December 21, 1971, the 90th day of the election period, when in fact the IOMMEP Constitution provides that all ballots mailed during the 90day period should be counted regardless of when they are received.

(xii) No election was held for the office of Field Representative, Puerto Rico, despite the requirements of the Offshore Division Bylaws, Art. III, Section 1(c).

(xiii) No election was held for the offices of Assistant Executive Officer, Executive Officer and/or Financial Officer of the Offshore Division.

(xiv) Members of Locals 4, 24 and 15 were denied their rights to vote in the election of Vice President-Gulf of the Offshore Divisi

624a

(xv) Members of Locals 5, 11 and 14 were denied their rights to vote in the election of Vice-President-Atlantic of the Offshore Division.

(xvi) Candidates running as opponents of the incumbent officials were denied discriminatorily the right to inspect and use up-to-date lists of MM&P contract vessels.

(xvii) There were no adequate safeguards to ensure a fair election; in particular:

(a) no signature check of signatures on the outer envelopes;

(b) the ballots were sent out to many persons ineligible to vote and, especially as regards ballots received from the Inland locals, the dues standing of voters was not adequately checked to determine eligibility to vote despite provisions of the IO MM&P Constitution providing therefor;

(b) the ballots were not watermarked or otherwise identified in order to prevent the casting of fraudulent or improper ballots;

(d) no list of members and their dues status was made available to observers to enable them to determine the eligibility of voters to vote;

(e) the agency conducting the election never obtained for use in checking the signatures on the outer envelopes the membership and transfer applications maintained by the union and its welfare and pension plans;

(f) no check of the eligibility to vote of the persons named on the voters' list was made; and

(g) no list of persons from whom ballots were received was maintained and/or made available for inspection by candidates or observers and the numbers of ballots printed, the number of ballots left over, the number mailed out, the number received, etc., were not made availabele to candidates or observers.

(xviii) Approximately 631 ballots received by the bank have been neither counted nor accounted for; the ballots here referred to are those included in the total of 6347 received by the bank and not included in the total of 5716 accounted for in the balloting agency's certification of the election results.

625a

(xix) Votes were unaccountably added to the totals attributed to the incumbent officials in the final certification of the election results, over and above those actually tabulated at the vote counts.

The instant appeal is sent to you, on behalf of each of the persons named at the beginning of this letter, in a good faith attempt to exhaust all reasonable remedies available within IOMMGP and its Offshore Division. If any procedural errors are or have been committed in connection with the submission of this appeal, or if any other or different appeal remedy is available within the IOMMGP or its Offshore Division, please promptly advise the undersigned.

Very truly yours,

Documents probably provided by SHELDON to the Department of Labor are:

A copy of the 60th Convention Newsletter.

An August 25, 1971 letter from Burton Hall to Captain O'Callaghan, at least 3 pieces of Sheldon's campaign literature and the campaign literature of another candidate on his ticket.

A statement of financial condition dated 9/30/70 concerning IOMM&P.

Two letters dated 1/31/72 from Sheldon to the New York Area Office, LMSA, Department of Labor.

A copy of a letter dated 1/27/72 from John J. Keegan, Assistant Treasurer, American Bank & Trust Co., Bronx, N.Y. to AAA.

A copy of a letter dated 12/13/71 from W. J. Anderson of Chickasaw, Ala. to Sheldon.

A three page summary prepared by SHELDON re: the AAA tally.

Copy of "Reminder, December 21, deadline for Election of Officers" received by SHELDON.

We cannot identify other material provided by complainants as to which complainant provided the material.

U.S. Department of Labor U.S. Jersey City, N.J. 3/6/71

MAR 1972

627a.

NYAO LMRA

I Lawrence A. Burlingame residing at 1959 Kennedy Blvd., Jersey City, New Jersey and a candidate in the recent Int. Organization Of Masters, Mates And Pilots Offshore Div. Union elections and I was candidate for Assistant Port Agent # 1, Port Of New York.

I was not insured union democracy prior to the commencing of the elections, during the elections and during the counting of the ballots therefore I request U.S. Department Of Labor make an investigation of the elections mentioned above and take whatever action may be required and the facts as stated below are reasons I make this appeal.

Subject (1) Elections Of International Officers.
A letter attached will show I was denied the right to be nominated for the Port Of New York and also for the International even though I stated that I would decline one of two and only be a candidate for one paid office.

(2) A letter attached will show I was denied the right to be a candidate for Field Representative for the Port Of San Juan Puerto Rico.

(3) I was denied the right to be present as an observer at the original meeting of the International Balloting Committee but the incumbent s were present at this meeting.

(4) I was denied the right of an up to date lists of the vessels and companys under contract so as I could mail my campaign literature to the membership.

(5) I was denied the right to have a true and accurate mailing list of all members of the Port Of New York.

(6) I was denied the right to freedown of speech and assembly so as to express my views, arguments and opinions and the manner in which I was denied this right was at the membership meetings as soon as the officals adjourned the meetings as they claimed do to a lack of a quorum, the officals would then turn off the electrical power for the microphone so as the membership could not hear the view, opinions and arguments of the candidates present.

(7) I was denied the right to observe the destroying of the printers plates used to print the ballots.

(8) I was denied to have my own ballot counted do to the post-office failing to postmark my ballot although my ballot was received by the American ARBITRATION Association through a bank and it was delivered to the bank by the postoffice.

The denial of my rights has affected the outcome of the elections.

L. A. Burlingame

Very truly Yours
Lawrence A. Burlingame
1959 Kennedy Blvd.
Jersey City, N.J. 07305

FUNTON [illegible] HALL
ATTORNEY AND COUNSELLOR AT LAW
401 BROADWAY
NEW YORK, N. Y. 10013
431-[illegible]

628a

February 23, 1972

U.S. Department of Labor
Labor-Management Services Administration
233 West 49th Street
New York, N.Y.

RECEIVED
U.S. DEPT. OF LABOR
FEB 25 1972
NYAO LMSA

RE: New Orleans Branch, IOMM&P

ATT: Mr. Brian O'Hanlon

Dear Brian:

On behalf of Nicholas LaRocca and Cornelius F. Coyle, members of the New ~~XXXX~~ Orleans Branch of IOMM&P and candidates for office in the election conducted by such local labor organization in the Fall of 1971, I appeal and complain to the Secretary pursuant to Section 402 of the LMRDA of the violations of Section 401 alleged and complained of in my letter of January 19, 1972 addressed to the General Executive Board of IOMM&P, in which I appealed on behalf of Messrs. LaRocca and Coyle, and also on behalf of certain members of other local labor organizations and of the parent International, to the GEB. A copy of my letter has been supplied you and is accordingly incorporated herein by reference.

I have not received written reply to my letter of January 19. However yesterday (February 22, 1972) I was orally advised by Burt Epstein, Esq., assistant counsel to IOMM&P, that in his belief the said appeal had been rejected by the GEB; previously (but not prior to February 1) I ahad been indirectly advised that it had been rejected. I therefore assert that Messrs. LaRocca and Coyle have exhausted their appeals within IOMM&P and its New Orleans Branch.

Very truly yours,

W

BURTON H. HALL
ATTORNEY AND COUNSELLOR AT LAW
401 BROADWAY
NEW YORK, N. Y. 10013
431-9114

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February 23, 1972

RECEIVED
U. S. DEPT. OF LABOR
FEB 25 1972
NYAO LMSA

U.S. Department of Labor
Labor-Management Services Administration
233 West 49th Street
New York, N.Y.

RE: Galveston, Houstan and Port Arthur Branch, IOMM&P

ATT: Mr. Brian O'Hanlon

Dear Brian:

On behalf of Ashley N. Gorndon, a member of the Galveston, Houston and Port Arthur Branch, IOMM&P, I complain to the Secretary pursuant to Section 402 of the LMRDA of the violations of Section 401 alleged by my letter of January 19, 1972 to the IOMM&P General Executive Board to have been committed in the election for officers of that local labor organization in the election conducted in the Fall of 1971. A letter of my Januafy 19 letter has been supplied you and is incorporated herein.

Yesterday, February 22, 1972, I was advised by Burt Epstein, Esq., assistant counsel to IOMM&P, that the appeal set forth in my letter of January 19 had been rejected by the General Executive Board, It therefore appears that all appeals within the IOMM&P have been exhausted.

Very truly yours,

Burton H. Hall

W

BURTON H. HALL
ATTORNEY AND COUNSELLOR AT LAW
401 BROADWAY
NEW YORK, N. Y. 10013
431-0114

630a

March 29, 1972

James D. Hodgson, U.S. Secretary of Labor
Labor-Management Services Administration
U.S. Department of Labor
233 West 49th Street
New York, N.Y,

Dear Sir:

On behalf of Lloyd Sheldon, Amos Koonce, Charles Norstrand, Charles Hemming, Lawrence Burlingame, Henry Noreaux, John Seybert, Victor Soto, John Moralis, Ashley Gordon, Jack Ofelt, George Vance, Nicholas LaRocca, Cornelius Coyle, Walter Anderson and Robert McAlvannah, I renew and resubmit the election appeals previously submitted by me and, in some cases by them. The bases of these appeals, as indicated in the appeal letters previously submitted by me, are those set forth in the letter from me, on their behalf, to the General Executive Board of the IOMM&P dated January 19, 1972. In addition, Mr. Burlingame has submitted an additional appeal which has withdraw been withdrawn by me; I request that his original letter be re-filed a nd the same is hereby re-submitted by me on his behalf, by reference.

These appeals are submitted as regards the IOMM&P International election and the elections of the various "branches" or locals there identified.

On or about March 2, 1972, I received, under postmark of February 29, 1972, a letter from the IOMM&P International Secretary-Treasurer notifying me that all challenges and appeals from the various elections were denied. We have therefore exhausted all remedies.

Very truly yours,

Burton H. Hall

H135

114 Diamond Hill Rd.
Warwick, R. I.
December 21, 1971

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[illegible] LABOR

FEB 17 1972

NYAO LMSA

bject: Protest of the election of Port Agent, for the Port of Providence, which is conducted by the American Arbitration Association in conjunction with the International Ballot Committee of the Masters, Mates & Pilots. Also to protest to the International Organization of the Masters, Mates & Pilots - Offshore Division Executive Council - Thomas F. O'Callaghan, President.

ar Sirs:

I submit the following violations of the M. M. & P. constitution and labor election proceedures:

#1 By-Laws of the I. O. M. M. & P., Offshore Division, October, 1970. Page 2, Article 3 - ELECTIVE OFFICERS AND TENURE. SECTION 1b, last paragraph, "There shall be elected Port Agents and/or Executive Assistant Port Agents and/or Assistant Port Agents in the following locations:---Page 3, Providence.

Violation - No notice of the Executive Assistant Port Agent or Assistant Port Agent position was made available for nominations.
L.M.R.D.A. CODE OF FEDERAL REGULATIONS, TITLE 29, LABOR Chapter IV, Sub. Chapter A, Part 452(8) Sub. Sec. 401 (e) 2nd sentence, "to meet this requirement, the labor organization must give reasonable notice of the offices to be filled by the election and of the time, place and proper form of submitting nominations.

#2 On June 9, 1971, Mr. Elephege Bissonette was nominated for the office of Port Agent for the Port of Providence. The nomination was made and signed by two members in good standing.

On June 2, 1971, Mr. Elephege Bissonette was shipped aboard the S.S. Steel Seafarer. This was Mr. Bissonette's permanent berth as Second Mate and was returning from his vacation. Mr. Bissonette was issued his permanent assignment slip by Mr. John F. Beirne, Port Agent. The address of the vessel being Mr. Bissonette's last known address.

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On June 18, 1971, Mr. Beirne, knowing that Mr. Bissonette would accept nomination, if notified, and also knowing the address of the vessel, and Mr. Bissonette's position as permanent second mate, failed to notify Mr. Bissonette by wire, or direct mail to the vessel. Mr. Beirne, instead, directed the notice of nomination to Mr. Bissonette's shore-side address,-- a Post Office Box in Johnston, R. I. The intent of this action, I believe, was to deliberately hinder Mr. Bissonette in accepting the nomination.

No publicity on Mr. Bissonette as a nominee was observed in any other offshore division meeting room except in the Port of Providence. This violated the offshore division by-laws, Article 5 - NOMINATION AND ELECTION OF OFFICERS, last paragraph. This clearly demonstrates a deliberate effort to prevent Mr. Bissonette from accepting the nomination in the prescribed time. This violates L.M.R.D.A. Sub. Chapter A 452.8b.

#3 Mr. Gerard Bassett, a candidate for Port Agent for the Port of Providence, requested to see the membership list and was denied. This violates L.M.R.D.A. 452.9 (b).

#4 Master, Mate & Pilot - August 1971 - The Official Publication of the MASTERS, MATES & PILOTS, Thomas F. O'Callaghan, Editor - Vol. 1, Number 2, Page 15 - STATE PILOTS:

"Offshore Division Port Officers are directed to complete immediately the filing of the names, addresses and Social Security numbers of all State Pilots in their Ports and send directly to the International Headquarters. State Pilots belong exclusively in the Pilot Division. An I.O.M.M.P. member can officially hold membership in one division only".

Violation: Mr. David Leonard & Mr. Walter Fricke both hold membership in the Rhode Island State Pilots and are State Pilots. The names of these two men are noted on the Offshore Division Membership Voting List.
The following members, whose names appear on the Off-shore membership voting list, hold elected positions in the Inland Division, Local #5:

Mr. John F. Beirne, President
Mr. Robert Fitch, 1st Vice Pres.
Mr. Antonio Calabro, 2nd Vice Pres.
Mr. Edward Salisbury, Secretary Treasurer
Mr. Thomas Anglin, Trustee
Mr. John Peter Fritz, Trustee
Mr. Richard Allen, Trustee

The above named personnel violates the last sentence, page 15, under STATE PILOTS, in the official publication Master, Mate & Pilot.

Mr. Beirne is paying dues into A.M.W.#5, and holds office in violation of Art. XLI, page 44, section 1, of the International Organization Of Masters, Mates & Pilots. Mr. Beirne has a Third Mates license which is required for off-shore division membership.

633a

Since these violations exsist, it is hoped that the election will be declared null and void, and a new election will be held, with all positions declared for candidates.

Election protested on behalf of Mr. E. Bissonette and myself.

Sincerely Submitted,

Milton A. Andrews
037-14-9439

MAA:gla

Copy: T. F. O'Callaghan, Robert J. Lowen, Ballotting Committee, American Arbitration Association & Labor Board.

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Interviews conducted by Compliance Officers of the New York Area during election investigation

Witness	Date(s) Interviewed	Compliance Officer
Lawrence Burlingame	4/7/72	Brian P. O'Hanlon
Margaret Carlson	4/6/72	Brian P. O'Hanlon and Theodore Chang
	8/11/72	Brian P. O'Hanlon and Rona Sokolsky
George Eisenhaur	9/8/72	Brian P. O'Hanlon and Adam Conti
Lee Epstein	5/5/72	Rona Sokolsky
James Gilmartin	5/11/72	Rona Sokolsky
Joseph Gross	4/27/72	William Berger
Charles Hemming	(1/19/72)*	Brian P. Ohanlon
Arcadia Irizarry	5/5/72 & 5/11/72	William Berger
John J. Keegan	4/4/72 & 4/19/72	Brian P. O'Hanlon and Rona Sokolsky
Amos Koonce	(1/19/72) 2/14/72	Brian P. O'Hanlon
Orion Larson	7/10/72	Brian P. O'Hanlon and Rona Sokolsky
Robert Lowen	7/10/72	Brian P. O'Hanlon and Rona Sokolsky
Henry Nereaux	(1/19/72) 2/17/72	Brian P. O'Hanlon
Richard Paglione	4/27/72	Rona Sokolsky
Frank Scavo	4/18/72	Brian P. O'Hanlon and Rona Sokolsky
John Siebert	3/31/72	Brian P. O'Hanlon
Lloyd Sheldon	(1/19/72) 4/25/72	Brian P. O'Hanlon
C. N. Sielski	8/1/72	Brian P. O'Hanlon and Rona Sokolsky
William Simon	4/4/72	Brian P. O'Hanlon
Victor Soto	4/1/72	Brian P. O'Hanlon
Stanley Starr	8/2/72	Brian P. O'Hanlon
Sam V. Tannenbaum	4/11/72	Brian P. O'Hanlon
Joseph Tesoriero	5/5/72	William Berger
A. Wolfowitz	5/11/72	Rona Sokolsky

*Dates in parentheses refer to dates of interviews conducted prior to initiation of election investigation but later incorporated and considered in investigation.

rea Office	Compliance Officers	
an Francisco rea Office	S. H. Cotton	Requested Capt. Orion Larson interview. Interviewed Virgil G. Valentine, Harry Friedman, Joe Valensi and Robert Nelson.
os Angeles rea Office	Thomas Wilson	Interviewed Frank Burke, candidate for Port Agent (Wilmington)
eattle Area ffice	Eolo Testi	Interviewed Florin Dente, Jerome Sawyer and Jack Ofelt
allas Area ffice	Ramon Lopez W. J. Autry	Interviewed Ashley Gordon. Interviewed Chas. D. Connally 8/1/72
iami Area ffice	C. D. Jackson	Interviewed LU 24 President Allen C. Scott 7/26/72
tlanta Area ffice	Stephen C. Smith	Requested Francis E. Kyser interview.
ashington rea Office	Leroy White	Interviewed Joseph Arena, retired member LU 14 8/2/72 Interviewed Elwood J. Wolf, member LU 14 8/7/72 Refused records by Charles Snow, Executive Assistant P.A. Baltimore
	Robert W. Harvey	Interviewed C. Howard Strahler, Jr. 4/3/72
ew Orleans rea Office	Dolores C. Gallioto	Interviewed Capt. Nicholas LaRocca, Henry Stegall - Port Agent George Vance - Candidate and members: Paul W. Stallings Jack A. Brickhouse and Aulis V. Saarinen
leveland rea Office	Carl Baer	Interviewed Captain Rolla R. Johnson, President LU 47 and obtained record data re: dispute between Local 47 and the International.
oston Area ffice	Carol Blackburn	Interviewed John F. Bierne, Port Agent Providence
	Alan Kammerman	Walter B. Zeleski, Member
	James Cannon	Alfred F. Ferro, Member

Documents examined by Department of Labor during the course of the investigation:

Computer printout dated month ending 12/1/71.

Financial Status Report - Offshore Div.

Copy of the transcript of the 60th Annual International Convention.

International Constitution, By-Laws of the Offshore Division, Pilots Division, AAA Certification of 1971 election and 1972 West Coast runoff election.

Minutes of Meeting of IBC of 8/27/71, 8/30/71, 8/31/71, 9/1/71, 9/2/71, 12/21/71, 12/22/71, 1/5/72 and 1/6/72.

All written appeals of the complainants to the union.

Letter of 12/18/71 of La Rocca to Capt. Sheldon to represent him at the counting of the ballots on 12/21/71.

LM-2 report of Local 88 for calendar year 1971.

By-laws of Local 88

LM-2 report for International for calendar year 1971.

60th Convention Newsletter on the resolution of affiliation of the IOMM&P with the ILA.

Judge Thomas Croake's decision on the newsletter.

Thomas O'Callaghan's affidavit dated 9/21/71 in opposition to motion for preliminary injunction.

The reply campaign literature of the complainants.

Master, Mate & Pilot Magazine dated August 1971.

A four page document entitled "All Constitutional Amendments & Resolutions of the 60th Convention Ratified - Affiliation of IOMM&P as the International Marine Division of the ILA (AFL-CIO) Affirmed."

Hemming letter of 10/21/71 to the Bronx, N.Y. post office.

Reply of Frank Viola, Postal official, dated 11/1/71 to Hemming.

Port of New York, Local Ballot Committee meetings of 7/6/71 and 7/12/71.

Notice of Nominations & Election dated 7/30/71.

Letter of 5/30/71 from Lawrence BURLINGAME requesting information re: Puerto Rico Field Representative.

Letter of 7/6/71 from Capt. O'Callaghan in reply to Mr. Burlingame's letter.

Letter dated 12/17/71 from Captain Lowen to IBC.

Letters dated 8/24/71, 10/14/71 and 12/9/71 from Capt. Lowen to the AAA.

Copy of letter to candidates from AAA.

Copy of draft of letter to candidates from AAA and mailing service list.

The used and unused ballots, envelopes.

Letter of 1/27/72 from John Keegan, official, American Bank & Trust Co. to AAA.

71 Civ 4113 Notice of Appeal.

Post Office Department Trust Fund.

Account for the AAA re: receipt of ballots.

Harry Friedman letter to members for a Democratic Union.

Various pieces of campaign literature (uncontested) from candidates.

Control records of AAA. Correspondence with International and others re: the election. AAA election rules and diary maintained by AAA.

Court records re: status of LU 47.

M. M. & P. Newsletter - January, 1972 re: announcement of election of officers.

Letter and telegram authorizing the AAA to mail out the ballots.

Post Office Business Reply Instructions.

Letter from Postal Inspector C. M. Sielski.

Special Election Supplement of the Master, Mate & Pilot, dated September, 1971.

American Bank & Trust Co. record of ballots received daily from Post Office.

Letter from Francis J. O'Connell dated 3/3/71 to Ballot Committee, Pilot's Division re: balloting on Pilots Division By-laws.

Lybrand, Ross Bros. & Montgomery, CPAs re: tabulation of ballots for new constitution and Offshore Division By-laws.

Correspondence from Captain LaRocca dated 11/1/71 to Capt. O'Callaghan.

Letter dated 11/3/71 to LaRocca from O'Callaghan.

Letter dated 11/16/71 from Henry M. Stegall, P.A. of New Orleans to Capt. O'Callaghan.

Letter dated 5/22/72 from M. Schwartz to Capt. O'Callaghan & Bowen with copy of stipulated order of dismissal re: Civil No. 72-222.

Letter dated 1/20/72 from Jack Ofelt Jr. to Capt. O'Callaghan.

List of members by Port dated 12/17/71, indicating pensioners, voluntary resignations and deceased.

HB8

VOTE VOTE VOTE VOTE VOTE VOTE

VOTE VOTE VOTE

VOTE VOTE VOTE VOTE VOTE VOTE

CANDIDATES FOR INTERNATIONAL OFFICE

[VOTE FOR ONLY ONE PERSON FOR EACH OFFICE]

INTERNATIONAL PRESIDENT

☐ Robert [illegible]

☐ Lloyd W. Chaires

☒ Thomas F. O'Callaghan

INTERNATIONAL EXECUTIVE VICE PRESIDENT

☐ [illegible]

☒ William M. Caldwell

☐ Peter E. Lowes

INTERNATIONAL SECRETARY-TREASURER

☒ Robert J. Lowes

☐ [illegible]

☐ [illegible]

[illegible]

HB8

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640a

Dear Sir & Brother:

Your International President urges you to vote for and re-elect Offshore (Atlantic) Vice President Joe Gaier and his full team to office in this all-important election.

They all have our unqualified endorsement as a team for re-election.

Joe Gaier, Offshore (Atlantic) Vice President and Port Agent, is a proven, aggressive and devoted trade union leader. He has united together a responsible, stable and capable organization of committed ILWU-PMA leadership in the Port of New York in the face of harrassment and opposition.

He again proved his strength of character and leadership during the Prudential-Grace beef. Joe consistently hit the picket lines, acting as example as a trade union leader; he rallied union manpower in Baltimore, Philadelphia, Providence and Boston, and other areas under his authority as Atlantic Vice President.

Joe joined me in the discussions with the ILA in Miami and in the follow-up in New York in our affiliation talks with the officers of the ILA.

Simply put, I need Joe Gaier to continue to work shoulder to shoulder with Caldwell, Lucas and myself. We need Joe to continue on the highest level because he is a unifier and source of strength.

Your vote for Gaier and his full team is a vote of confidence in the leadership, progress and principles for which we stand. Re-election of the New York team is an affirmative action for progress, unity and stability.

Vote for the experienced and proven Union Officials. Negotiations are just around the corner and "on-the-job training" has no place at the negotiating table.

This ILWU team is backed with an (X) record. This is the team that will preserve the rights and union benefits of the membership.

Personally yours,
P. Ft. O'Callaghan
International President, ILWU

VICE PRESIDENT, OFFSHORE DIVISION (Atlantic)
PORT AGENT and CONVENTION DELEGATE
(VOTE FOR ONE)

- ☐ Charles J. Seymour
- ☒ Joseph R. Gaier

EXECUTIVE ASSISTANT PORT AGENT
(VOTE FOR ONE)

- ☒ Frank T. Lucas
- ☐ James J. O'Neil

ASSISTANT PORT AGENT No. 1
(VOTE FOR ONE)

- ☐ Lawrence L. Pellegrino
- ☒ Richard J. Polachek

ASSISTANT PORT AGENTS
(VOTE FOR FOUR)

- ☒ Kenneth E. Fowler
- ☒ James G. White
- ☐ Roger J. Sullivan
- ☐ Peter T. Mack Moran
- ☐ Vacancy
- ☐ William R. Donaldson
- ☐ Alex Adam Smith, Jr.
- ☐ Dwight L. C. Lincoln
- ☐ John R. Seibel
- ☒ James E. Cornelia, Jr.
- ☐ Steven T. Kelly
- ☒ Ernest J. Handy
- ☐ Roger W. Lipsey, Jr.

CANDIDATES FOR CONVENTION DELEGATE
(VOTE FOR FOUR)

- ☐ Lawrence L. Pellegrino
- ☐ Victor Ellis
- ☐ Bryant L. (illegible) Hayward
- ☒ James G. White
- ☒ Richard J. Polachek
- ☐ James E. Cornelia, Jr.
- ☒ Ernest J. Handy
- ☐ Robert J. Caldwell
- ☒ Frank T. Lucas
- ☐ William R. Donaldson
- ☐ Charles J. Seymour

CANDIDATE FOR ALTERNATE
CONVENTION DELEGATE

- ☒ Joseph Wesley

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VOTE VOTE VOTE VOTE VOTE VOTE VOTE VOTE VOTE VOTE VOTE VOTE VOTE VOTE VOTE

CANDIDATES FOR INTERNATIONAL OFFICE

(VOTE FOR ONLY ONE PERSON FOR EACH OFFICE)

INTERNATIONAL PRESIDENT

☐ [illegible] ☐ [illegible] ☒ Thomas F. O'Callaghan

[illegible]

INTERNATIONAL EXECUTIVE VICE PRESIDENT

☐ [illegible] ☒ William H. Caldwell ☐ [illegible]

[illegible]

INTERNATIONAL SECRETARY-TREASURER

☒ Robert J. Lowe ☐ [illegible] ☐ [illegible]

[illegible]

(TURN PAGE)

642a

Dear Sir & Brother:

Your International President urges you to vote for and re-elect Bob Jones, Offshore (Gulf) Vice President and Port Agent of Galveston.

Bob Jones is a balance of experience, knowledge and ability -- the outstanding ISUMAP Gulf leader.

I can honestly tell you I consider Bob Jones as indispensable to the growth, stability and progress of the Union.

I support Bob Jones' re-election as Vice President and Galveston Port Agent because he is tested, proven, and completely dedicated to his job.

We have been close as an aide to him unqualified loyalty of the members of the Gulf membership.

Bob is a trade unionist who commands respect in his community as a labor leader and responsible civic leader as well.

In the year ahead, as in the past, the ISUMAP needs Bob Jones. I personally need him beside me at the helm of the Union.

Your vote for Bob Jones is a vote of confidence in unity, leadership and experienced ability.

The re-election of Brother Jones is a built-in guarantee of ISUMAP unity and progress.

Vote for the experienced and proven Union officials. Negotiations are just around the corner and "no-time-for-job training" has no place at the negotiating table.

The persons whose names are marked [X] herein comprise the team that will work in harmony to protect the rights and benefits of our members and their dependents.

Fraternally yours,
T. F. O'Callaghan
International President, ISUMAP

VICE PRESIDENT, OFFSHORE DIVISION (Gulf)
PORT AGENT (GALVESTON) AND CONVENTION DELEGATE
(VOTE FOR ONE)

- [X] Robert L. Jones
- [ ] Jabry G. Cordts

EXECUTIVE ASSISTANT PORT AGENT (GALVESTON)

- [X] Charles S. Connelly

PORT AGENT (HOUSTON)
(VOTE FOR ONE)

- [ ] Rudolph J. Pelagatti
- [X] Robert E. Palumbo
- [ ] Paul Whalen

ASSISTANT PORT AGENT (HOUSTON)
(VOTE FOR ONE)

- [X] Thomas S. Simmons
- [ ] Robert C. Chatterton

PORT AGENT (PORT ARTHUR)
(VOTE FOR ONE)

- [ ] Phillip L. Ethridge
- [X] James E. Gibbs
- [ ] William E. Mallard

CANDIDATES FOR CONVENTION DELEGATE
(VOTE FOR TWO)

- [X] Charles S. Connelly
- [ ] George A. Gaitz
- [ ] Thomas J. Simmons
- [ ] Frederick C. Stevenson
- [X] Robert E. Palumbo
- [ ] Woodrow J. Tomlin

San Francisco 3/10 11015

Dear Sir & Brother:

Your International President urges you to vote for Captain Larsen as Offshore (Pacific) Vice President and Port Agent of San Francisco. Captain Larsen's election is crucial to the stability, the unity and the progress of the West Coast ICPMAP and the International Union as well.

Bill Larsen is an outstanding labor negotiator, an architect of many of the advanced plans and programs in behalf of the West Coast membership. He has been and is now active in West Coast labor and civic maritime organizations, enjoying the respect and confidence of both rank and file labor, labor leaders, and management. His credentials as a unifier, consolidator and labor leader are clear and verified.

I personally give unqualified endorsement to his candidacy on the basis of service to the union, integrity of character and top-grade ability. Larsen's leadership is a vital necessity both for the West Coast and the International Union.

A vote for the election of Captain Larsen as Offshore (Pacific) Vice President and San Francisco Port Agent is a demonstration of confidence in the International Organization, its programs and its principles.

Vote for the experienced and proven Union Officials. Negotiations are just around the corner and "on-the-job training" has no place at the negotiating table.

The total team that is proven and that will work fully in the interest of the membership of the ICPMAP is marked (X) for your approval.

Fraternally yours,
T. F. O'Callaghan
International President, ICPMAP

(VOTE FOR ONE)

- ☐ Harry Friedman
- ☐ Jack Hall, Jr.
- ☒ Orlan A. Larsen

EXECUTIVE ASSISTANT PORT AGENT (SAN FRANCISCO)

(VOTE FOR ONE)

- ☒ George M. Tuttle, Jr.
- ☐ Wilbur L. Shiro
- ☐ Dewey Swanson
- ☐ Raymond A. Wood, II
- ☐ Virgil E. Tolentino

ASSISTANT PORT AGENT No. 1 (SAN FRANCISCO)

(VOTE FOR ONE)

- ☐ George A. Perry
- ☒ Lloyd M. Martin

ASSISTANT PORT AGENT (SAN FRANCISCO)

(VOTE FOR TWO)

- ☐ Curtis F. Tutt
- ☒ Edward M. Caldwell
- ☐ Elmer E. Armstrong

DISPATCHER (SAN FRANCISCO)

(VOTE FOR ONE)

- ☐ Rholand Ray
- ☐ Harold C. Hawksley
- ☐ Albert E. J. Freese
- ☒ W. E. Jamison

(VOTE FOR ONE)

- ☐ Steven E. Flores
- ☐ Frank E. Lee
- ☐ Pierre Rouse
- ☒ E. L. "Red" Larsen
- ☐ Lenora E. Pennefeld

PORT AGENT (PORTLAND)

(VOTE FOR ONE)

- ☒ Charles W. Wallace
- ☐ George F. Miller
- ☐ Clarence E. Thrasher
- ☐ P. A. Sabo
- ☐ Roy E. Perry
- ☐ Arthur E. "Lee" Sawyer
- ☐ Norman Ralph

PORT AGENT (WILMINGTON)

(VOTE FOR ONE)

- ☐ Edward L. Chester
- ☐ Frank Earley
- ☐ Richard T. Hara
- ☒ Henry E. "Hank" Walker
- ☐ Roy H. Burgess
- ☐ Theodore E. Lawrence

ASSISTANT PORT AGENT (WILMINGTON)

(VOTE FOR ONE)

- ☐ Robert L. Richards
- ☐ Vere Pickens
- ☐ James A. Parker
- ☐ Arthur J. Wentz
- ☐ W. A. Clay
- ☐ William "Bill" Hurst
- ☐ Frank L. Allen
- ☐ John Hartig
- ☐ Herman L. Lester

CANDIDATES FOR CONVENTION DELEGATE

(VOTE FOR FOUR)

- ☒ E. L. "Red" Larsen
- ☐ Peter A. Lindsay
- ☐ Alex Pinedo
- ☐ Frank L. Allen
- ☒ William M. Caldwell
- ☐ Edward L. Chester
- ☐ Thomas E. Kelly
- ☐ Richard T. Hara
- ☐ Henry E. "Hank" Walker
- ☐ Virgil E. Tolentino
- ☒ Charles W. Wallace
- ☐ Jack R. Ingemanson
- ☐ Pierre Rouse
- ☐ James H. Fitzgerald
- ☐ Michael Ray
- ☐ George Chester
- ☐ Harry Friedman
- ☐ Theodore A. Sawyer
- ☐ P. A. Sabo
- ☐ William "Bill" Hurst
- ☒ Edward M. Caldwell

MEMBERS FOR A **Bulletin** DEMOCRATIC UNION

644a

THE MERGER Members for a Democratic Union (MDU) voted unanimous opposition to MM&P merger with ILA at 8/10 meeting.

We predict that concerted and unified opposition by MDU, West Coast Mates Committees, Ashley Gordon's RAFT, and other RANK & FILE groups within MM&P will SMASH O'Callaghan's latest conniving for TOTAL POWER over the MM&P Membership.

VOTE!!! VOTE YOUR CONSCIENCE, BROTHER! ABOVE ALL, DON'T BE CONNED BY THAT GARBAGE O'CALLAGHAN'S HIGH PAID LACKEYS ARE PEDDLING!

Protests against merger with ILA decry:

- CREDIBILITY GAP in conduct of MM&P officials from TOP-TO-BOTTOM.
- ASSINING claims that this merger, schemed by officials responsible for UNDEMOCRATIC MM&P Constitution, can benefit Membership.
- O'Callaghan's prime purpose in getting our Union involved in this mess so he can use ILA muscle to control MM&P Membership.
- Gleason's advocacy of "all licensed and unlicensed under one union".

One member says: "What can you believe? First we were buried under all that O'Callaghan garbage about how we had to consolidate if we want a Union. Now the "big man's" GARBAGE MEN say we have to merge to keep our Union. Are we so "alone and vulnerable" we have to buy "guarantees of continuance of our historical jurisdiction over Licensed Deck Officers" from the longshoremen?

When the Brooklyn longshoremen worked LASH ITALIA behind MM&P picket lines ordered up by O'Callaghan, the ILA sure wasn't guaranteeing any MM&P jurisdiction over LDO's. I know! I was there!

ELECTIONS MDU urges election of a strong "ALL MM&P RANK & FILE TEAM" pledged to make MM&P a STRONG RANK & FILE MEMBERSHIP CONTROLLED UNION. We had that once in NY. We had that for years on the West Coast. It is not too late yet to regain it where we have lost it, and establish it where we never had it.

Your incumbent officials have assumed DICTATORIAL CONTROL over your UNION under THEIR NEW CONSTITUTION and BY-LAWS by which YOU are governed. If you are fed up with this DEAL, you can change it with your ballot. Elect the "ALL MM&P RANK & FILE TEAM". ELECT:

SHELDON	International President
KOONCE	Int. Exec. Vice President
NORSTRAND	Int. Secretary Treasurer
HEMMING	Port Agent NY/VP Atlantic
CLIFFORD	Executive Asst. Port Agent
BURLINGAME	Assistant Port Agent #1
SOTO	Assistant Port Agent
NERBAUX	Assistant Port Agent
SEYBERT	Assistant Port Agent
MORALIS	Assistant Port Agent
FRIEDMAN	Port Agent SF/VP Pacific
VALENTINE	Executive Asst. Port Agent
PERRY	Assistant Port Agent #1
KAY	Dispatcher
DENTE	Seattle Port Agent
SHUMAN	Portland Port Agent
BARA	Wilmington Port Agent
BARBER	Assistant Port Agent

Convention Delegates:

VALENTINE DENTE BARA KAY
BERTANI Trustee

MDU believes election of ASHLEY GORDON as Port Agent Galveston/VP Gulf is absolutely imperative to establish DEMOCRATIC MEMBERSHIP CONTROL and GOOD UNION GOVERNMENT in the Gulf. GORDON can beat JONES handily. ALL HE NEEDS IS FOR THE MEMBERS TO WAKE UP AND VOTE. ALL THE MEMBERS!!!

When O'Callaghan's HENCHMAN robert jones is voted out and Ashley Gordon inherits the results of years of BAD GOVERNMENT, he will need strong support to clean up the MESS. MDU, therefore, urges all members eligible to vote in the ex Local 20 election to back those candidates recommended by Brother Gordon.

MDU sees the incumbent officials at New Orleans as part of the overall GULF MESS. We, therefore, urge the election of NICHOLAS LA ROCCA to the office of Port Agent; C.F. COYLE JR. Asst. Port Agent, and MIKE PSENICKA, Trustee.

ROBERT MACALVANAH has MDU's support in his quest for the Jacksonville Port Agent office. A change is very necessary there.

We consider it a disgrace to the DEMOCRATIC PROCESS that nobody threw his hat in the ring against Weinstein in NY Local 14. We believe the US Labor Dept's failure to take forthright action to set aside the 1967 Local 14 election, after investigating and finding and reporting all those fraudulent ballots, has resulted in INTIMIDATION of many possible candidates.

In the Providence election, MDU supports Brother GIRARD BASSET. We also endorse PATRICK CONNOLLY, rank and file candidate for Port Agent, Boston.

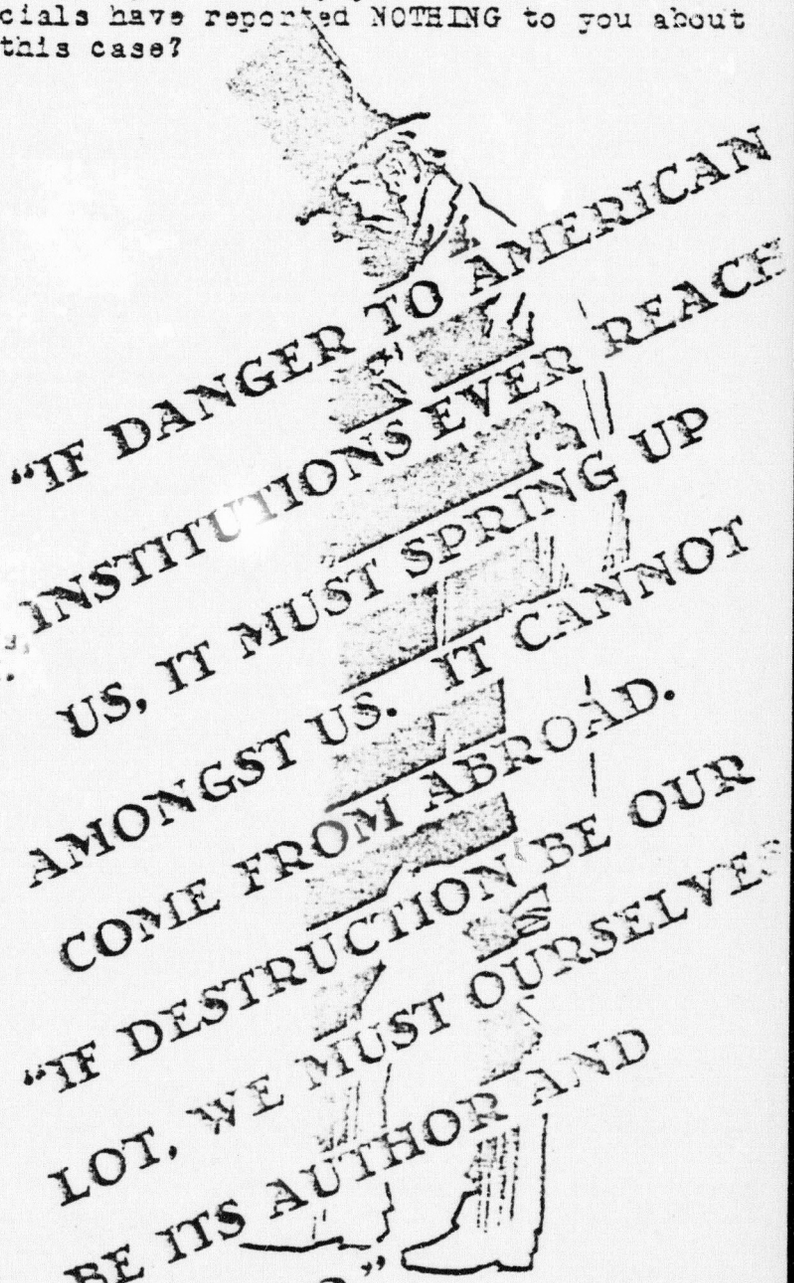
MDU believes the Membership has within its power, by use of the ballot, the ability to re-fashion the course our Union is now headed on. It is self-evident that this will be the last chance the Membership will have to save our Union from the VULTURES who plan to feast on our cadavers.

PHILADELPHIA COURT CASE Lawyer Schwartz ran into some difficulties when he tried to raid our Pension Plan to get his clients, the International Officials, OFF-THE-HOOK. Even the Shipowner Trustees couldn't buy that one. They didn't want any part of a deal whereby the MM&P Pension Fund would be milked for part of a union debt the shipowners had nothing to do with. So Schwartz had to go back to the judge and tell HIS HONOR he couldn't deliver what he had promised. Naturally, the judge has to be upset by the DOUBLE TALK. What with HIS HONOR having bent over backwards to accommodate Schwartz so the MM&P Membership couldn't see by the DECREE how much all the bumbling of this case is going to cost them ONE WAY OR OTHER. And by "OTHER" we mean the BIG BUNDLE of side money Schwartz agreed to pay Plaintiffs which is not set forth in that PRE-NEGOTIATED DECREE.

Naturally there are some others who have to be taken care of in addition to the Plaintiffs. Then there is the compounded legal cost of years of useless defense of the INDEFENSIBLE. The total cost of this thing runs into the millions when you add it all up. And so far the International has not paid out one cent to satisfy the DECREE and SIDE MONEY settlement. Has O'Callaghan SPENT our International BROKE? Whatever the cause, plaintiffs have now FILED TO COLLECT in the New York Courts and Schwartz has invited CONTEMPT OF COURT charges.

MDU is going to get all the facts and we are going to publish them. We want every MM&P member to know what this case is going to cost him and who is responsible.

Now do you see why your incumbent officials have reported NOTHING to you about this case?



DOESN'T THE SAME THING APPLY TO OUR UNION?

MEMBERS FOR A DEMOCRATIC UNION
P. O. BOX 435 BOWLING GREEN STA.
NEW YORK, N. Y. 10004

Lloyd Gibson Chm.

Best Aluminum Jack-Up Attachment
Patented Quick Release
Quick Set Flip Top Box
Fast Quick Set Flip Top Box

Only Flip Top Box
Of Kind

Dear Sir & Brothe

My name is CHARLES HEMMING. I am an active Ship Officer and am presently Master of a tanker. I am also a candidate for Port Agent NY/VP Atlantic. 647a

My profession as a Licensed Deck Officer means a lot to me. It is a livelihood for me, my wife, and three growing children, which I intend to protect to the best of my ability. That includes doing everything in my power to insure honest, dedicated, competent union representation for this profession, which I am proud to be a part of. That is why I have thrown my hat in the political ring now for the first time.

I know my business as a Ship Officer. I don't see anything so complicated about administration of GOOD UNION GOVERNMENT that a GOOD UNION SHIP OFFICER could not undertake with reasonable expectation of success. HONESTY, DEDICATION, and COMPETENCE is what is required. Do you think we have that now?

Check the track record of the self-serving bunch we have to depend on for representation in the Port of New York. FOUR officials in the office. THREE covering ships. As a dues-paying member, I resent having to support this kind of featherbedding. As your Port Agent, I intend to correct it.....all ships will be covered in the new York area.

Progressive loss of membership control during Gaier's six years at the NY helm stands as a colossal monument to greed, avarice, and arrogance.

When Gaier blacked out the Local 88 Bulletin - so members who depended on reading minutes of meetings to keep up with union affairs could not see him exposed - he exposed himself plenty. Members who attended some of those meetings.....and I was one of them.....saw the real Joe Gaier for the first time. He finally let down his hair. Beyond any reasonable doubt, Gaier has divorced himself from the membership.

But I don't have to resort to generalities. There are too many specifics. I'll just tick off a few:

In November, 1965 while running for his first full term as Local 88 President, he deliberately deceived every 88 member, including me, as to how the proposed "50% of base pay" pension program was going to be funded. A "Negotiations Newsletter" from the Local 88 Negotiating Team lead us to believe this program was to be paid for as part of the 1965 allocation of money for new contract benefits. That misrepresentation had to be corrected by the December, 1965 edition of THE MASTER, MATE & PILOT.

Inaccurate Pension Report

A joint meeting of the A&G Dry Cargo and Tanker Negotiating subcommittees noted Nov 19 a misleading inaccuracy in the Nov 1 issue of the Local 88 "Negotiaitions Newsletter" regarding the MM&P Pension Program.

The subcommittee said that any improvements in the MM&P Pension Plan must come out of monies due on the contracts' anniversary dates in 1966, 1967 and 1968.

In no way, the subcommittee declared, has any definite pension improvements been decided upon at this time although several areas are under consideration.

Beginning June 16, 1966, the MM&P Negotiating Committee voted to allocate 50 cents per man/day of the 3.2% increase to the Pension Program for improvements.

What reason d Gaier have to deceive us? The answer is simple. Every cent that had to be taken out of the 1966, 67, & 68 money allocation for a new pension program left just that much less available for other contract benefits. Gaier was simply fooling us with the old "shell game".

As a Plan Trustee he voted to take the previous $725 limit off the "50% of base pay" pension. Do you know what Gaier can take out of the Pension Fund if you elect him for three more years? Is he worth it?

He did nothing to implement a resolution carried unanimously at Feb. 13/69 Local 88 Regular Membership Meeting that demanded a mail referendum on a new program of benefits to replace the present "new" program, "using guidelines that will guarantee fair and equal treatment".

He voted, as a Plan Trustee, to siphon two (2) Million Dollars out of our Welfare Fund to sink in the mausoleum, now known as the Maritime Institute of Technology and Graduate Studies..... and $50,000 more was thrown in for some kind of study of the whole project.

AT LEAST 10 MILLION MORE OF YOUR MONEY WILL BE SUNK IN IT.

How many members whose employment generated Welfare Fund money squandered on this BALTIMORE BOONDOGGLE expect to benefit from it? Wouldn't you prefer to have your money put into benefits you can use? Wouldn't you rather have your money used to underwrite an on-the-job training program where you could be paid while learning specialized types of vessels by actual experience with them? We don't need to waste millions of dollars of our money for classroom study of the new technology. That aspect of professional training can be achieved in a much more economical way through contract with Kings Point or some other established institution qualified to do the job.

As a member of the Atlantic and Gulf Negotiating Committee, he has denied the Membership the right to vote on the contract they work under.

He defied the Local 88 Membership by refusing to challenge the referendum that put the UNDEMOCRATIC New International Constitution and Offshore Division By-Laws into effect.

Violated the rule of law by putting the Offshore Division By-Laws into effect in New York (ex 88) one year prior to the legal date for their inception.

Voted against CONSTITUTION REFORM that would have restored some basic democratic Membership control of our Union.

He withheld information from the Membership about that big pay raise he and other Offshore Division officials voted themselves at that December 1970 caucus in New Orleans.

Gaier is a member of Offshore Division Executive Council which has denied the Membership its constitutional right to vote on that big pay raise for officials.

He has withheld important information about his activities as a union official that the New York (ex Local 88) Membership is entitled to know about.

Unconscionable deceit in collaborating with O'Callaghan to SHAPE UP MM&P in a merger with ILA without full pro and con discussion before and by the Membership. Gaier must think the Local 88 men are a bunch of jerks to buy this pig-in-poke deal. How can it be possible for our Union to maintain its MM&P identity and independence as the Marine Division of ILA when right from the beginning any member who opposed the deal is denounced as an imbecile and worse? Is that union democracy?

Is it union democracy when our officials allow the president of the longshoremen's union to interfere in our internal affairs even before we have become an appendage of his organization? What do you think it will be like if this merger resolution is voted up? Or after 1975, when it would be a permanent merger with no way out?

You have read the International's Convention Report. Did the gang who is trying to steer us into this bind give Sheldon a chance to rebut, in the same publication, the phony charges leveled against him by Gleason and concurred in by O'Callaghan? You're damn right, they didn't, because those charges are false. Joe Gaier has found it personally expedient to tie in with this gang.

I don't believe I have to give you another reason for voting him out of office now while you still have a vote. I have laid it on the line, straight from the shoulder and will be pleased to elaborate on any issue raised.

I, respectfully, solicit your vote so that I may more effectively work to change the course our Union is now headed on. I fully endorse Members For A Democratic Union "PROGRAM FOR THE MEMBERSHIP" and urge you to vote for the MDU New York slate so that you will be represented by officials working toward a common goal. ELECT:

CHARLES HEMMING	Port Agent NY/VP Atlantic
JAMES CLIFFORD	Executive Assistant Port Agent
LAWRENCE BURLINGAME	Assistant Port Agent #1
VICTOR SOTO	Assistant Port Agent
HENRY NEREAUX	Assistant Port Agent
JOHN SEYBERT	Assistant Port Agent
JOHN MORALIS	Assistant Port Agent

ELECT:

LLOYD SHELDON	International President
AMOS KOONCE	International Executive Vice President
CHARLES NORSTRAND	International Secretary Treasurer

Fraternally,

C A Hemming

3882

HB9

Provisions of International

Constitution Which Were Violated

Article V, Section 8(d)

Article V, Section 9(a)

Provisions of Offshore Division's

By-Laws Which Were Violated

Article XIX, Section 2(b)

HB 9

CANDIDATE FOR* PORT AGENT, [redacted] Seattle, Wash

FIORIN DENTE, Local 90, Book No.10336..Age 47, License Chief Mate, Issue 5-7

Started to sea 1941, Graduated Fort Trumbull, New London Conn. 1944 at whi time recieved Third Mate's License. Joined MM&P Local 90 in 1947 and outsi of 2 years service as Commissioned Officer in U.S.Navy during Korean War have continuous service in U.S. Merchant Marine. I am qualified for MM&P pension (20 years in 1970).

MY STAND ON FOLLOWING ISSUES

1. ELECTED OFFICIALS; No elected Official of IOLMM&P should be allowed to serve more than 2 terms in Office..

2. GRIEVANCE & ARBITRATION; Update and include clause so as all grievances shall be settled in a timely manner (say 30 days), membership to be informed of all grievances, awards, and opinions of arbitrator at regular meetings and by publication in IOLMM&P official Publication..

3. ASSETS OF LOCAL 90; All cash and properties to go into Trust Fund, then be decided by membership vote as to disposition of same. I am for cash division of assets by members, in proportion to thier individual shares as determined by years of dues paying membership in Local 90, and be payable to members as follows; (a) To benificary on members death.(b) On members retirement.(c) On a members withdrawal from the industry. All members to share--Only qualification is to be actual dues paying time--retired or active...

4. DUES; Shall be payable by members on a percentage basis of Gross earnings (say 03 percent).To be deducted by company from all payoffs and at that time paid to the UNION.This insures that all members pay a fair share of the operation of thier Union, which relates to "Those who benifit most, can afford to pay the most"..

5. PENSIONS; In our industry a Pension benifit should be based on years of service, "NOT ON MONEY EARNED". Therefore since contributions are made on an equal basis of "PER MAN PER DAY" then all pension benifits should be paid in an equal amount for all qualifying years.This would enable a more generous 20 year benifit and then an increase accordingly for each additional year of service (pp to 30 years), with an escalating clause to compensate for cost of living.Also determine what a members actual contribution to plan is by reason of "contribution per man per day" and allow anyone to cash this in on leaving Industry..

6. OFFICIALS WAGES; Absolutely no increase (or adjustment) in wage except by membership vote.A reduction to a realistic wage scale, comparable to what we voted for in our last coastwise election..

7. YOUR VOTE FOR ME WILL INSURE THAT YOU WILL HAVE CONTRACT ENFORCEMENT AND HONEST SOBER REPRESENTATION...

CANDIDATE FOR..PORT AGENT..[redacted] Seattle, Wash

[redacted]

652a

DON'T VOTE
DON'T VOTE
DON'T VOTE

WEST COAST MATES' COMMITTEE CONTENDS

If you are satisfied with the incumbent officials -
If you are satisfied with the new "Constitution" -
If you are satisfied with the ill-conceived merger into the I.L.A. -
If you are satisfiedwith the reputation of being a "me too" at negotiations -
If the above meets with your approval— then don't bother to vote.

furthermore, we contend

APATHY
APATHY
APATHY

Apathy on the part of the "rank and file" has gotten our organization into its present predicament.

Only 35% of the Membership bothered to vote in the election for the consolidation of the "Locals" and the new Constitution. At most of our elections only 50% - 60% of the Members bother to vote. As a result ——

CHAOS
CHAOS
CHAOS

[redacted]

[illegible]
HB 10 B

HOWEVER

653a

[redacted]

If you think we need to get rid of the incumbent officials;

If you feel, as we do, that untold thousands of dollars have been lost by the members not having a written copy of the "Contract" (West Coast);

If you think we need Constitutional changes to take the power out of the hands of a "Chosen Few";

If you want to have a patrolman board your vessel in every U. S. port to help you enforce the Contract;

If you want Union Officials who realize that they are working FOR YOU and not vice versa;

If you want to disagree or question the actions of your Organization's Officials without being labeled "disloyal";

If you want a contract negotiating team instead of 9 months of name-calling and bickering, and the end result being "me-too";

If these things are what you want — then

VOTE VOTE VOTE

FOR THE

OPPOSITION TEAM

RECOMMENDED BY THE

WEST COAST MATES' COMMITTEE

Paid for by the "West Coast Mates' Committee P.O. Box 673 Harbor City, Calif. 90710

WEST COAST MATES COMMITTEE RECOMMENDS:

654a

CANDIDATES FOR OFFSHORE DIVISION OFFICE FOR THE PORTS OF SAN FRANCISCO, SEATTLE, PORTLAND and WILMINGTON (California)

AMEND [illegible]

M/V SEP 10 PM 2:50

VICE-PRESIDENT, OFFSHORE DIVISION (Pacific) PORT AGENT (SAN FRANCISCO) & CONVENTION DELEGATE

(VOTE FOR ONE)

- [ ] Harry Friedman
- [X] Jack Olsh, Jr.
- [ ] Orion A. Larsen

PORT AGENT (SEATTLE)

(VOTE FOR ONE)

- [ ] Archer E. Pierce
- [ ] Frank R. Cain
- [X] Florio Dente
- [ ] R. J. "Rupe" Soriano
- [ ] James H. Haverfield

EXECUTIVE ASSISTANT PORT AGENT (SAN FRANCISCO)

(VOTE FOR ONE)

- [ ] George M. Tuttle, Jr.
- [ ] Richard M. Olsen
- [ ] George Bomareto
- [ ] Raymond A. Wood, II
- [X] Virgil G. Valentine

PORT AGENT (PORTLAND)

(VOTE FOR ONE)

- [ ] Charles W. Wallace
- [ ] George P. Folden
- [X] Maurice B. Shuman
- [ ] D. C. Dunn
- [ ] Roy E. Perry
- [ ] Arthur E. "Bud" Morriss
- [ ] Norman Ralph

ASSISTANT PORT AGENT No. 1 (SAN FRANCISCO)

(VOTE FOR ONE)

- [ ] George A. Perry
- [X] Lloyd M. Martin

PORT AGENT (WILMINGTON)

(VOTE FOR ONE)

- [ ] Edward L. Wheeler
- [X] Frank Burke
- [ ] Richard T. Sara
- [ ] Henry C. "Hank" Walther
- [ ] Guy M. Duggan
- [ ] Theodore G. Anderson

ASSISTANT PORT AGENT (SAN FRANCISCO)

(VOTE FOR TWO)

- [X] David F. York
- [ ] Edward M. Caldwell
- [X] Mayer P. Armbrust

ASSISTANT PORT AGENT (WILMINGTON)

(VOTE FOR ONE)

- [ ] Robert L. Edmonds
- [ ] Nick Barbara
- [ ] Robie A. Lindsay
- [ ] Arthur J. Machi
- [ ] W. H. Abbey
- [ ] William "Bill" Morel
- [ ] Frank L. Allen
- [ ] John Haring
- [X] Jerome L. Sawyer

DISPATCHER (SAN FRANCISCO)

(VOTE FOR ONE)

- [X] Michael Kay
- [ ] Harold E. Mansering
- [ ] Albert E. J. Duggan
- [ ] W. C. Jackson

CANDIDATES FOR CONVENTION DELEGATE

(VOTE FOR TWENTY)

- [ ] R. J. "Rupe" Soriano
- [ ] Robie A. Lindsay
- [ ] Alex Pleshe
- [ ] Frank L. Allen
- [ ] William M. Caldwell
- [ ] Edward L. Wheeler
- [ ] Thomas A. [illegible]
- [ ] Richard T. Sara
- [ ] Henry C. "Hank" Walther
- [X] Virgil G. Valentine
- [ ] Charles W. Wallace
- [ ] Jack M. Magnusson
- [X] Florio Dente
- [ ] James H. Haverfield
- [X] Michael Kay
- [ ] George Chariot
- [ ] Harry Friedman
- [X] Maurice B. Shuman
- [ ] W. H. Abbey
- [ ] William "Bill" Morel

[redacted]

HB10C

TO ALL WEST COAST MATES

655a

8 BELLS
TIME TO RELIEVE
THE WATCH

OUR INCUMBENTS ARE TIRED & HAVEN'T STEERED A TRUE COURSE.

OUR UNION IS HEADING FOR THE ROCKS.

MAYDAY

MAYDAY

Turn the page & meet the new watch, who will steer a true course. [redacted]

The West Coast Mates Committee endorses the following candidates for the forthcoming Local 90 election. 656a

PORT OF SAN FRANCISCO

Vice-President and Port Agent:

JACK OFELT, an energetic young man in the thirties, with seagoing experience and a lawyer. Completely capable of heading any negotiating team with the utmost efficiency and results.

Executive Assistant Port Agent:

VIRGIL VALENTINE*, who has devoted much of his own time in the interests of the Union and is the logical choice for this position.

Assistant Port Agent No. 1:

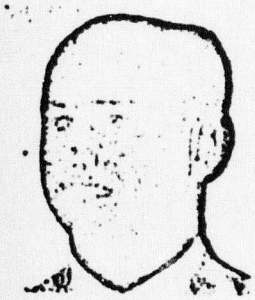
LLOYD M. MARTIN*, whom we feel has proven himself as a seasoned Patrolman and covered ships – which is unusual in our Union.

Assistant Port Agent(s):

We feel that Edward M. Caldwell has not looked out for our interests, and the other two candidates will.

Dispatcher:

MICHAEL KAY, a long-time member of MMP. Spokesman for the rank and file on many issues over the years. He will be a real asset to MMP when elected.



PORT OF SEATTLE

Port Agent:

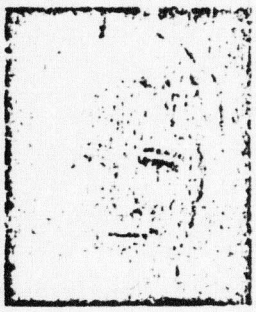
FLORIN DENTE, another long-time member of MMP, whose integrity is above reproach, and who stands for what is right, regardless of the consequences.

PORT OF WILMINGTON

Port Agent:

FRANK BURKE, Chairman of the West Coast Mates Committee, who is a young man with many years sea experience and whose vision and energy applied in this campaign has shaken the encumbents for the first time in many years.

PORT OF WILMINGTON (continued)



Assistant Port Agent:

JEROME L. SAWYER, who strongly feels that if you don't know your contract, and don't cover all ships and pay-offs, get off your job.

PORT OF PORTLAND

Port Agent:

MAURICE B. SCHUMAN*, long-time seagoing member of MMP and familiar with grievances of the rank and file.

CONVENTION DELEGATES

FLORIN DENTE, MICHAEL KAY, VIRGIL VALENTINE*, and MAURICE SCHUMAN*

* Not a member of this Committee and did not participate in any of its activities.

Any future Contributions
would be appreciated.
Please forward to:

WEST COAST MATES COMMITTEE
P. O. Box 673
Harbor City, Calif. 90710

THE WEST COAST COMMITTEE ENDORSES:

LLOYD SHELDON - Inter, President
AMOS KOONCE - Inter, Exec. Vice-President
CHARLES NORSTRAND - Inter, Sect-Treasurer

Paid for by the
WEST COAST MATES COMMITTEE

WEST COAST MATES COMMITTEE

PLATFORM

1. We feel that the MMP membership should have been polled before the merger with the ILA and not after the merger. This type of philosophy is dangerous to our well-being.

2. We are not against any wage or vacation benefits for officials, as long as it is approved by the membership.

3. Union membership meetings should be held twice a month. Attendance should be on a voluntary basis, thereby giving the democratic right to the member to decide whether he wishes to attend or not, and assuring those who wish to attend that there will be a meeting, and a chance to participate in the internal affairs of our Union.

4. Representation at ship pay-offs is of primary importance, and a major duty of our officials. Therefore, when a ship is not covered at pay-off the mates aboard that vessel are to fill out a form notifying Headquarters that the ship was not covered. These forms are to be published in our monthly newspaper and posted on boards in all our halls. If any apparent negligence of duty occurs, then that official shall be brought up on charges.

5. No Union official shall be allowed to remain on a "Company Roster."

6. Membership meetings should have a chairman from the "rank and file."

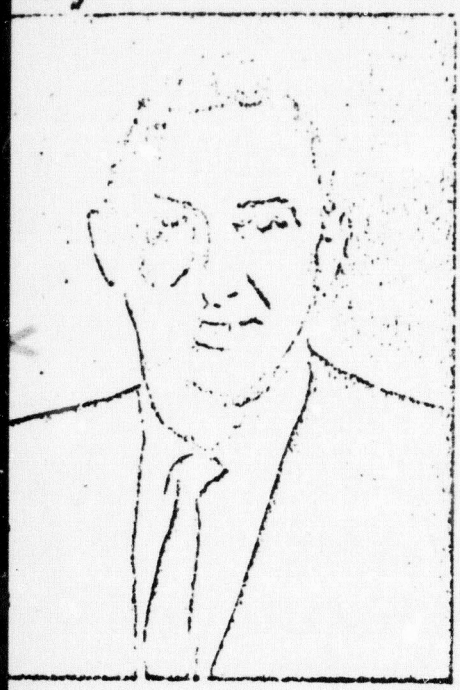
7. To establish stringent safeguards to protect our Pension and Welfare Funds, and not to combine with any other plan until its solvency is fully investigated, present benefits should not be reduced, but efforts should be made in future negotiations to correct some of the iniquities that are now present.

8. We must continue in negotiations to increase our wages and benefits, but emphasis should be stressed on that neglected area . . . living and working conditions aboard ship.

9. We feel that it is important that one San Francisco patrolman's primary function be to service all tankers. Too many of our officials are not familiar with the tanker contract.

• •

In our recent poll we, the members of the West Coast Mates Committee, found that the above issues are of utmost concern to you — and we now pledge that when we are elected the above items will be initiated immediately and pushed to their conclusion.



CAPTAIN NICHOLAS L. LAROCCA

CANDIDATE FOR

PORT AGENT NEW ORLEANS, LA.

OF

INTERNATIONAL ORGANIZATION

OF MASTERS, MATES AND PILOTS

JOINED MM&P 1943
33 YEARS IN MARITIME INDUSTRY
UNLIMITED MASTERS, issue 4 - 8
FORMALLY BOOK NO. 1343, LOCAL NO. 15
55 YEARS OF AGE
S. S. No. 320074195

was nominated for the office of Port Agent, New Orleans, La. for the 1972 – 1974 term of office. I have accepted the omination and will campaign for this office. The union needs New Leadership and changes in our Constitution nd By-Laws. If I am elected your next Port Agent for the Port of New Orleans, I shall strive to effect the following hanges:

1. JOB SECURITY: MASTERS AND MATES will once again be able to hold their heads up and know exactly where they stand with the Steamship Companies. The seniority lists will no longer be hidden away in a desk drawer, but will be posted. This would be another step to protect you as you climb the ladder of your career.

2. UNION DEMOCRACY: Three years shall be the term for all paid elected officers and no officer shall serve more than two consecutive terms without a break in tenure. Also included for having a more democratic union would be for members to have access to newspaper publications to express their point of view and fifty per cent of convention delegates shall be members holding no paid elected or appointive position in the union. Make a clean break with Local Autonomy. The time is now. We are no longer in the days of sailing ships, communications are faster. Let us catch up with the '70's. We no longer can remain separated and in the dark about what is going on in our union. Local Autonomy has been broken. Now is the time to act by voting the old methods out. Let us once again have leaders from our chosen profession.

3. PROTECTION OF MEMBERS ASSETS: Assets of formal Local No. 15 to be disposed of only upon approval of the majority of the membership. NO MORE CHRYSLER NEW YORKER AT A COST OF $7211.00, without the aforementioned approval. If elected, a financial statement will be forthcoming to each and every member annually.

e cannot afford to have MM&P officals who have not known the feel of a ship's deck at sea for over 20 years. Times ve changed and the work load greater. If elected, I will do everything possible for the betterment of our organization. very man has a right to be heard and every man will be heard. With changes in our administrative office, it will give a better and stronger Union, run by the membership and for the membership.

Fraternally yours,

Captain N. L. LaRocca

660a

MEMORANDUM FOR FORMER LOCAL NO. 15 MEMBERSHIP

CAPTAIN N. L. LaROCCA, CANDIDATE FOR PORT AGENT, NEW ORLEANS, LOUISIANA

INTERNATIONAL ORGANIZATIONS OF MASTERS, MATES, and PILOTS S/S No. 32007145

For many, many years, the Masters, Mates and Pilots members have been kept apart locally and internationally. You and I never knew what was going on within the organization, contract wise or financially. If you or I attended a meeting, at our Local and brought up a grievance, we were told "Why didn't you come to my office with it?" If we did go to the office of the head of the local, that was the last we heard of our grievance. Men, we have known autonomus locals at its worst. For years in the contract negotations (when we had a contract) we were known as the "Me Too Organization". We don't need officials who take disputes to steamship company offices on an individual basis. If it is in the Union Contract or Union Policy, it's a Union affair and should be negotiated on that basis in lieu of an individual basis.

The Masters, Mates and Pilots should be proud of their profession. They are the leaders aboard ship and therefore set the example. To whom do the men look when the safety of the ship is involved? When any of the men are sick or injured, who do they look for? Who do they look to settle shipboard disputes?

Your officials who have been in office for over twenty years have no conception of shipboard life today. A prime example is the apparent approval of living quarters for Masters and Mates on a recently converted ship. These quarters are virtually a fire trap and they are located six decks up with no outside ladders to the main deck. The two inside ladders inclosed, create a natural force draft for any fire that might start below the decks. In the year 1970, these conditions should not exist. If the officials had been to sea in the last twenty years, common sense would have told them something was amiss. It's your life they are playing with.

Up until this election, you and I know elections were a joke. A condidate for any office had to visit the ships in an attempt to get his points of view across. By the time election was over, he had been able to contact approximately one quarter of the membership –IF he was lucky. Mailing service was never mentioned and it has been a Federal law since 1959. This was supposed to be a democratic organization. Russia had better!

Why should a man whose gross salary was $25,780.00 in 1969 and $32,790.00 in 1970, need the membership to purchase a Chrysler New Yorker at the cost of $7211.00 Apparently the increase of $7,010.00 in salary was not enough. If a man believed in a democracy, why wasn't it put on a 90 day referendum ballot?

Why is a man for surrendering our independent charter status in the AFL-CIO and give up our historic status as a proud and independent organization of ships' officers? First thing is to restore some of our basic democracy to the membership in the conduct of our Union's affairs. The I.L.A. still has local autonomy.

Why isn't there a full annual financial disclosure by our officials, their lawyers and other high paid appointees to the membership?

Why are port captains for the S/S Co. not organized? The port engineers have been for some time, creating more jobs for them and better working conditions.

The majority of the members of the Masters, Mates and Pilots want a democratic organization. Let's have it, by your vote.

Fraternally yours,

CAPTAIN N. L. LaROCCA

MEMORANDUM FOR FORMER LOCAL NO. 15 MEMBERSHIP INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS

nstitution and By-Laws, Page 33.
ticle No. 16, Disbursement of Funds, Section 2. No Donations or unusual expenses [Exceeding Twenty-Five Dollars (25.00)] ill be incurred at any one regular Membership Meeting unless authorized by a Two-Thirds Majority of the General Vote of e Membership by a Referendum Vote. Unusual expense of Twenty-Five Dollars ($25.00), or less, may be authorized a Two-Thirds Majority Vote at a Regular Membership Meeting.

xcerpts of Minutes of Executive Board Meeting of August 11, 1970 Three Trustees Present. Trustees Vance and White were sent for Meeting.

otion by Smith, Seconded by Rogers and carried to Purchase New Automobile for Organization. $100.00 Gift to Mrs. Mc rmick for Christmas. Morales made permanent Patrolman.

spatcher and Patrolman to receive Chief Mates Wages – Class A Retroactive to June 16, 1970. $50.00 per week allowance to tside Patrolman retroactive to June 16, 1970.

lary increase for Mrs. McCormick to $600.00 per month retroactive to 6-16-70.

$0.00 Allowance for each Member of Executive Board for each meeting attended (If they are not salaried.)

OLLOWING ARE FACTS AS COMPILED FROM U.S. GOVERNMENT LM 2 REPORTS FOR THE YEARS 1969 and 1970

	WAGES 1969	WAGES 1970	AMOUNT OF INCREASE	PER CENT OF INCREASE
egall	$25,780.00	$34,988.00	$9,208.00	35.7%
ndry	$23,939.00	$32,790.00	$8,851.00	36.9%
sselberry	$14,966.00	$17,489.00	$2,523.00	16.9%
eid	$10,805.00	$16,536.00	$5,731.00	53.0%
arrity	$12,886.00	$15,361.00	$2,475.00	19.1%
mployees	$17,185.00	$24,063.00	$6,878.00	40.0%
llowances	$ 1,655.00	$ 2,149.00	$ 494.00	30.0%

ages and Expenses of Local No. 15 Officers and Employees went up to a Grand Total of $33,160.00. This is for one year. hey received an increase of 31% overall average from the above figures. How much did we, the Membership Receive ????????? ho are they primarily interested in ????? We can expect much more of the same unless we use our Ballot while we have e opportunity. Now is the time for a change. Now is the time to Vote them out. Break the Local automomy and give the nion back to the Membership.

o you know that your Local Officals get Severance Pay when they leave office. One days salary for every month in office. t involves a great deal of our money. Was it put on a Referendum Ballot ? Did you vote for it ?????? Let's have this larified.

Courtesy of,
MICHAEL E. PSCENICKA
WRITE IN CANDIDATE
ASSISTANT PORT AGENT, N.O. La.

P.S.
H. Landry is retiring at the end of the year. Albert Read, Jr. will be running unopposed for Assistant Port Agent. It was not announced until the Candidates Nomination were closed.

I believe that the membership of I. O. M. M. & P., in the vast majority desire a change in leadership and direction, new approaches to our problems, new blood, new ideas and new programs designed to drastically change the image of The Gulf and the Masters, Mates and Pilots nationwide - and stimulation for programs already in effect.

The sea and the ships have been my life's work and I fully intend to return to them. However, I am personally dissatisfied with our present status locally and nationally and intend to direct my efforts and energies to do something about it.

I actively and honorably seek and solicit your vote and support in the forthcoming election. **Let's Make The Change!**

If I am elected, I am prepared, ready and desirous to be your leader in fact and in action.

Respectfully yours,

Ashley N. Gordon

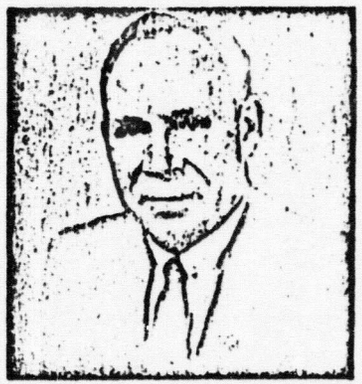
A. N. GORDON

HB12

VOTE FOR

ASHLEY N. GORDON

FOR



HB12

I.O.M.M.&P.

OFFSHORE VICE PRESIDENT (GULF)

GALVESTON PORT AGENT

CONVENTION DELEGATE

1972 - 1973 - 1974

A Vote For Progress And Integrity

652a

ALLOW ME TO INTRODUCE MYSELF!

I AM:
ASHLEY NEWTON GORDON - OF HOUSTON, TEXAS
AGE 45 - ADDRESS 9938 HINDS ST. - TEL. 944-4072
A MEMBER IN GOOD STANDING 20 YEARS OF LOCAL 20
FORMERLY BOOK NO. 259

MY QUALIFICATIONS ARE:

1. CONTINUOUS UNION MEMBERSHIP AND ACTIVITY SINCE 1944
2. SERVICE IN EVERY STRIKE IN INDUSTRY SINCE 1944
3. CONDUCT BECOMMING AN OFFICER AT ALL TIMES
4. CONTINUOUS CONSCIENTIOUS PARTICIPATION AT THE PROFESSION
5. UNLIMITED MASTER'S LICENSE

PAST TEN YEARS SERVICE SUMMARY:

MASTER OF:
SUPER TANKERS AND DEEP SEA SURVEY VESSELS

CHIEF MATE OF:
SUPER TANKERS, DRY CARGO AND PASSENGER VESSELS
SMALLER OIL AND CHEMICAL TANKERS

SECOND AND THIRD MATE OF:
OIL-CHEMICAL AND DRY CARGO VESSELS

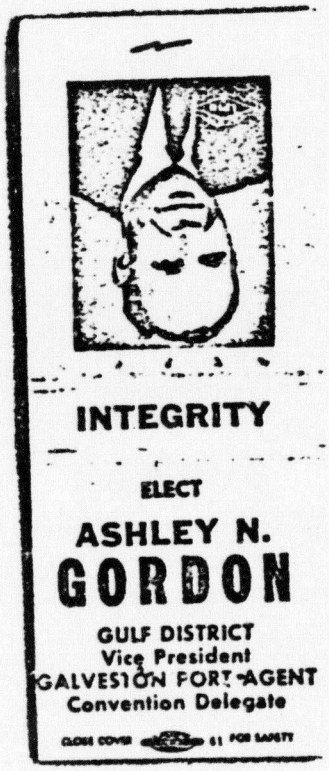
MY PLATFORM

1. RETURN CONTROL TO MEMBERSHIP
2. LIMIT TERM OF OFFICERS TO TWO (2) TERMS
3. A MORE EQUITABLE PENSION PARITY PROGRAM
4. DEMAND RETURN OF SHIPBOARD AUTHORITY COMMENSURATE WITH RESPONSIBILITY.
5. IMPROVEMENT IN LIVING CONDITIONS ON JUMBOIZED, UP-GRADED – HIGH REVENUE – LOW CONDITION VESSELS.
6. CLEAR – CONCISE – QUARTERLY – COMPREHENSIVE FINANCIAL REPORTS.
7. WORK TO MAKE A NATIONAL ORGANIZATION PERFORM
8. RETURN PATROLMANSHIP TO THE PORTS
9. WORK AND COOPERATE WITH ELECTED OFFICIALS AND TO IMPROVE OUR IMAGE AND STATUS.
10. IMMEDIATE ACTION TO ORGANIZE TUGS ROBBING OFFSHORE DIVISION JOBS.

MY PLEDGE

TO WORK AT ALL LEVELS – DISTRICT AND INTERNATIONAL – DOING EVERYTHING IN MY POWER TO SUPPORT

663a


INTEGRITY
ELECT
ASHLEY N.
GORDON
GULF DISTRICT
Vice President
GALVESTON PORT AGENT
Convention Delegate

VOTE VOTE VOTE VOTE VOTE VOTE

VOTE VOTE VOTE VOTE VOTE VOTE

VOTE VOTE VOTE VOTE VOTE VOTE

CANDIDATES FOR INTERNATIONAL OFFICE

(VOTE FOR ONLY ONE PERSON FOR EACH OFFICE)

INTERNATIONAL PRESIDENT

☐ [illegible]

☐ [illegible]

☒ Thomas F. O'Callaghan

INTERNATIONAL EXECUTIVE VICE PRESIDENT

☐ [illegible]

☒ William H. Caldwell

☐ [illegible]

INTERNATIONAL SECRETARY-TREASURER

☒ Robert J. Lowe

☐ [illegible]

☐ [illegible]

(OVER PAGE)

72 CIV 5031

666a

To: The Honorable Constance Baker Motley
U.S. District Court, Southern District
Foley Square, N.Y. 10007

U.S. DISTRICT COURT
FILED
SEP 24 1974
S.D. OF N.Y.

From: Concerned Member(s) of the I.O.M.M.P.

Subject: Elections of officials, 1971 General Elections, Presently being contested by the U.S. Labor Department. Civ-72-5031

Your Honor:

The amount of interal litigation within the I.O.M.M.P. during the course of the last four years alone indicates a definite disharmony between the officials and the membership that can only be resolved by a new, impartial election supervised by the U.S. Labor Department.

The membership takes great pride in being fine-tuned with the times, but because of the very nature of their work, the scatteredness about the various ships, the ports, the oceans of the world, they have also becomevictims of the times. If given the true means of expressions, the men will come up with the correct answers that would be benificial for the industry, the nation, and their own personal needs.

Your kind attention in the matter of our needs and problems would be greatly appreciated.

With Deep Respect.

Signature	S.S. #	Date
[illegible]	057-26-5494	31 Aug 1974
[illegible]	573 16 9562	8-31-74
[illegible]	[illegible]	[illegible]
[illegible]	561-52-5557	9-2-74
[illegible]	567-34-8068	9/3/74

DY,Jr.:n
72-3882

USA-33s-339 - NOTICE TO TAKE DEPOSITION
Rev.4/21/70

667a

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
FILED
SEP 26 1974
S.D. OF N.Y.

JAMES D. HODGSON, Secretary of Labor, United States Department of Labor,

Plaintiff,

v.

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

NOTICE TO TAKE DEPOSITION

72 Civ. 5031 (CBM)

S I R :

PLEASE TAKE NOTICE that the plaintiff, James D. Hodgson, Secretary of Labor, United States Department of Labor, will take the deposition of the American Arbitration Association, by a custodian of the items on the schedule annexed, who is authorized to testify to their authenticity, before a notary public, or some other officer or person authorized to administer oaths, on the 10th day of October at 10:00 A.M., in Room 331-C, United States Court House, Foley Square, New York, New York, pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure. If this deposition is not completed on that date, it will be continued from day to day until completed. You are invited to attend and cross-examine.

PLEASE TAKE FURTHER NOTICE that pursuant to Rules 26, 30 and 45 of the Federal Rules of Civil Procedure, the plaintiff will require the production at that time of the deposition of the original items described on the

DY,Jr.:n
72-3882

schedule annexed hereto now in the possession of the American Arbitration Association, including all copies thereof.

Dated: New York, New York

September 25, 1974

Yours, etc.,

PAUL J. CURRAN
United States Attorney for the
Southern District of New York,
Attorney for Plaintiff

By: _____
DENNISON YOUNG, JR.
Assistant United States Attorney
Telephone No.: (212) 264-6266

TO: MARVIN SCHWARTZ, ESQ.
243 Waverly Place
New York, New York 10014

Documents to be Produced
by
The American Arbitration Association

1. All records, logs, diaries, memoranda and other documents in the possession of the American Arbitration Association, or its agents or employees, that may relate in any way to the 1971 election of officers of the International Organization of Masters Mates and Pilots (henceforth, the "IOMMP") and its Divisions and Ports (henceforth, the 1971 election of officers).

2. All originals and copies of correspondence to or from the American Arbitration Association, or its agents or employees, now in its possession, concerning the 1971 election of officers, including but not limited to correspondence to or from the IOMMP (and its Divisions and Ports), their officers, agents or employees; the International Ballot Committee (of the IOMMP), its members, agents or employees; the firm known as Wirth-Strahler Printers, Baltimore, Maryland; the American Bank and Trust Company, Bronx, New York; the United States Post Office, Fordham Station, Bronx, New York; and any other individual or group of individuals--whether or not an active or inactive member(s) of the IOMMP or its Divisions or Ports--firm, company, organization, or entity who or which may have had any connection whatsoever with the 1971 election of officers.

3. Without limiting in any way any other request herein, all records, notes, memoranda, correspondence, or other documentary information now in the possession of the American Arbitration Association regarding the availability for inspection by any candidate for any office prior to and during the 1971 election of officers of membership lists of the IOMMP and/or its Divisions and Ports.

4. Without limiting any other request herein, all records, notes, memoranda, correspondence, returned mailings, or other documentary information now in the possession of the American Arbitration Association concerning in any way the mailing of campaign literature or requests therefor by or for any of the candidates for office prior to or during the 1971 election of officers.

5. Without limiting any other request herein, all ballots, cast or uncast, by the members of the IOMMP and its Divisions and Ports for or against officers running during the 1971 elections now in the possession of the American Arbitration Association.

6. Without limiting any other request herein, all outer envelopes, secret ballot envelopes or any other envelopes in which ballots cast during the 1971 election of officers of the IOMMP and its Divisions and Ports were sent and/or returned which are now in the possession of the American Arbitration Association.

7. Without limiting any other request herein, all lists of members of the IOMMP (and its Divisions and Ports) now in the possession of the American Arbitration Association submitted by the IOMMP (or its Divisions or Ports), or their officers, agents, or employees, or by the International Ballot Committee, or its members, agents or employees, which may concern in any way whatsoever, the 1971 election of officers, including but not limited to lists of members used to mail ballots and to confirm members eligibility to vote.

Addendum to O'Hanlon Desposition

DY:lq
72-3882
n-163

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

670a

JAMES D. HODGSON, Secretary of Labor, United States Department of Labor,

Plaintiff,

-v-

INTERNATIONAL ORGANIZATION OF MASTERS MATES and PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

ADDENDUM TO O'HANLON DEPOSITION

72 Civ. 5031 (CBM)

U.S. DISTRICT COURT FILED OCT 4 1974 S.D. OF N.Y.

The following statements and documents constitute plaintiff's additional responses to demands for information made by defendant during the deposition of BRIAN P. O'HANLON herein.

Deposition Page(s) No.	Response
14-15	See Exhibits BPO 1A & BPO 1B
21	See Exhibit BPO 2; list originally submitted to International Ballot Committee
22	Object. Trial preparation material, otherwise privileged; any relevant information therein equally available to defendant pursuant to methods of discovery at his disposal.
23-24	See Addendum to Berry Deposition pp. 30-33
27	See Response to page 22.
32	See Exhibits HB 6A and HB 6B*
43	See Exhibit BPO 3
56	See Exhibits HB 2F and HB 4A
71	Information not yet available
79-81	Mr. Burke requested IB C Chairman Nelson in October, 1971 to use the membership list to

* HB refers to Exhibits submitted with Addendum to Berry Deposition.

DY:lq
72-3882
n-163

Deposition Page(s) No.	Response
	address 2200 envelopes for his campaign literature. Nelson refused to permit Burke to use the list.*
82	Mr. Dente requested Port Agent Charles Wallace of Portland in June and August 1971 to review the mailing lists in order to make a selective mailing. Mr. Wallace told him to mail his campaign literature to New York.*
83	Mr. Sawyer in early August 1971 requested Wilmington Port Agent Robert Nelson to allow him to inspect the Local 90 membership list to prepare a mailing. Nelson advised that Sawyer must send the envelopes to the AAA in New York City.*
87	Re: Gordon-date not yet determined.
87	See Plaintiff's Answers to Defendant's Interrogatories #19(b)
89-90	Equal treatment not given also in that defendant expended union funds on defendant's campaign literature without providing opposition candidates equal opportunity.
93	See addendums to Berry Deposition, p 209.
95-96	Not yet ascertained
97	See Exhibit BPO 3
98	See Response to page 22

* See also Plaintiff's Answer to Defendant's Interrogatory #18.

DY:ig
72-3882
n-163

CERTIFICATION

I have read the foregoing and the information set forth therein is true and correct to the best of my knowledge, information and belief.

Brian P. O'Hanlon
BRIAN P. O'HANLON

Sworn to before me this
3rd day of October, 1974.

Walter G. Brannon
NOTARY PUBLIC

WALTER G. BRANNON
Notary Public, State of New York
No. 24-0394500
Qualified in Kings County
Cert. filed in New York County
Term Expires March 30, 1975

DY:lq
72-3882
n-74

INDEX TO ADDENDUM
TO O'HANLON DEPOSITION

EXHIBIT #	CONTENTS
BPO 1A	Unsigned statement of Mrs. Margaret U. Carlson. Transcribed by D.O.L.
BPO 1B	Statement of Mrs. Carlson submitted through AAA General Counsel.
BPO 2	Captain Sheldon's list of members whose eligibility to vote was questioned.
BPO 3	TA-5

DY:lg
72-3682
n-74

The following (BPO 1A) is a statement prepared by the Department of Labor based on an interview with Mrs. Margaret Carlson. The statement was mailed to the American Arbitration Association. We have no signed statement from Mrs. Carlson.

Through Marshall Lippman, Assistant to the General Counsel of the American Arbitration Association, Mrs. Carlson submitted to the Department of Labor an unsigned statement, a copy of which is also provided (BPO 1B). The Government would not and did not agree with the stipulation set forth in the opening paragraph of this statement and accordingly said statement was never counter-signed by officials of the Department of Labor.

Exhibits BPO 1A - BPO 1B

To

BPO 2 - BPO 3

BPO 1A

675a

I, Margaret V. Carlson, Election Director, American Arbitration Association Abbey-Victoria Hotel, 7th Avenue at 51st Street, New York, N.Y. do hereby make the following statement to Brian P. O'Hanlon and Rona Sokolsky, who have identified themselves to me as Compliance Officers of the U.S. Department of Labor. This statement is made without coercion or promise of any benefit whatsoever.

The American Artbitration Association (AAA) had been selected to conduct the referendum election of International Officers and certain officers of the Offshore Division, Pilot Division, of the International Organization of Masters, Mates and Pilots by action of their 60th convention which had been in Galveston, Texas during the week of July 26, 1971. I was officially so advised in a letter signed by Robert J. Lowen, International Secretary-Treasurer, dated August 24, 1971.

We did not review what had already been done in the way of preparation for the election. I did hear that there had been a convention at which the members of the International Ballot Committee had been chosen and that they were not running for office. We were thus hired by the International who told us to look to the International Ballot Committee for guidance.

I did not have any discussion with Captain O'Callaghan, International President regarding his covering letters dated April 30, 1971 which accompanied the "notice of election" which apparently had been sent to the members of the various divisions.

676a

In fact, I don't recall ever seeing the letter of 4/30/71 signed by Captain O'Callaghan or the various notices of election allegedly mailed to the members. I don't know what mailing list may have been used or how many members received the notice of election.

I discussed the role of the AAA in the election with our Counsel so that we would have an understanding of our role in conducting the election. I did review the International constitution but did not see the Offshore Division and Pilot Division By-Laws nor the By-Laws of any locals. We were an agent of the International Ballot Committee and which according to the constitution, is responsible for supervising the election. We don't feel that it ~~is~~ was our function to make interpretations of the constitution or any of the By-Laws. However, if we noted a clear and serious violation of the constitution, we would object to the International.

The ballots were not mailed within the 30th day following the close of the convention because a determination had to be made by the IBC concerning the request of Amos Koonce to withdraw his candidacy from the Executive Assistant Port Agent position in the port of New York. The IBC did not resolve the question until after its first meeting, around the end of August, 1971.

In addition, Lloyd Sheldon, candidate for International President, other dissidents, went to Federal District Court in New York, alleging that a certain "newsletter" mailed by the International during August, 1971 was campaign literature. Their attorney, Burton Hall, attempted to delay the mailing of the ballots, even beyond the date they were mailed which was 9/21/71.

I was also unhappy about the mailing of the ballots in September when the decision of Judge Croake was pending in the U.S. District Court concerning certain documents mailed by the incumbents at union expense which Captain Sheldon alleged was campaign literature. I was aware that approximately 3,000 ballots were already at the bank when the judge ordered the union to give Sheldon equal distribution for campaign literature he wished to mail. Sheldon's material was mailed around the first week in November, 1971. My first meeting with IBC took place around the end of August, 1971. in New York, New York. I don't recall who arranged this meeting.

Mr. Sam V. Tannenbaum was assigned to the election. He arranged many of the details, including the selection of the Bronx, New York branch of the American Bank and Trust Company for the receipt of the ballots from the Post Office. I would have preferred to use the facilities of one of the large midtown New York City banks, such as the Manufacturers Hanover Bank but that bank had rejected our proposal to rent appropriate facilities to store the ballots.

Although I see that Mr. Tannenbaum's diary entry of 8/30/71 states that "signature cards will be updated" I don't recall any such decision being reached by the International Ballot Committee. I don't believe any arrangements were made to accomplish any updating. I know that Local 88 here in New York did hire signature experts in the past.

678a

The constitution provided that ballots be mailed to members' home addresses. The International gave us a list of the addresses of the union offices throughout the county and the AAA checked this list against the lists of the membership ~~when~~ broken down alphabetically by port which contained addresses for most of the members. The International also provided us with gummed labels which contained the names and adresses of the members.

We discovered that some members' addresses on the lists provided by the International were the addresses of union offices. ~~We~~ We prepared and mailed to these members a letter requesting them to provide us with a mailing address other than an office of the union.

We did not conduct any eligibility check on the lists provided by the International before they were mailed. This was the responsibility of the International, not ours.

Within the individual ports, members had been listed alphabetically on the lists provided by the International. Control numbers were alphabetically assigned by Port by the AAA. These lists were alphabetically arranged such as Baltimore, Boston, Calveston, etc. However, we scrambled the order of the ports which had been used by the AAA. For example, the port of New Orleans was placed before the port of Mobile. This New Orleans was then assigned lower control numbers than Mobile.

BEST COPY AVAILABLE

679a

Occasionally, if the clerk inadvertently skipped a name, I would assign the same number given to someone else but would add an "A" to the number. I feel that this method of "scrambling" threw off the strictly alphabetical assignment of numbers to the names. I have no recollection of the method used to determine the position of the candidates on the ballot or who may have prepared the statement on the ballot. The AAA time stamped the ballots before they were inserted into the envelopes.

Mr. Tannenbaum had also taken care of the details concerning the printing of the ballots. I, however, normally use a nearby New Jersey printer to prepare the ballots. However, the International Ballot Committee had already made arrangements to use the printing firm of WIRTH-STRAHLER and Son, Inc. of Baltimore, Maryland. Although I personally disapproved of this decision by the Committee, I consented to it since I felt that it did not violate any of the election rules of the AAA and that I had to work with the committee that was supervising the election. The role of the AAA was to conduct it impartially according to ~~their~~ our standards. Tannenbaum left the AAA around the end of September, 1971 and had no participation in the election thereafter. He left because he did not want to work the long hours his position required.

I met Mr. Strahler when he brought the galleys of the ballots to New York City for the review of them by members of the IBC. I don't recall if Mr. Tannenbaum visited the printer in Baltimore, Maryland but I feel that our control on checking the ballot envelope on 12/22/71 was virtually foolproof in preventing any ballots that might have gotten into ineligible hands from being counted.

680a

The ballots arrived here on 9/15/71. We did not count them. We accepted the figures shown on the printer's invoice. We do not have any affidavit from the printer regarding the number of ballots printed or delivered. In regard to the mailing of campaign literature, I believe that the IBC ruled that it would only be mailed from the AAA in New York, N.Y. Mr. Tannenbaum also took care of the details concerning the notification of the candidates but I recall that a letter was sent to all the candidates notifying them that the distribution of their campaign literature had to be sent to the AAA in New York, N.Y. for distribution to the membership. The International had provided us with 8 to 10 sets of mailing labels and we could have quickly obtained more if they had been needed.

I don't recall any phone call from a Captain LaRocca of New Orleans between August 31 and September 7, 1971 or at any other time nor do I remember telling him that the printer across the street from the union hall on Gravier Street would be mailing out campaign literature and that he could see the membership list there.

I don't recall if we had planned to provide AAA offices in port cities with copies of the membership lists. I have read the entry of 9/2/71 in Mr. Tannenbaum's diary to the effect that Captain O'Callaghan, International President said membership lists cannot be sent to mailing houses. I do not recall having any discussion with Mr. Tannenbaum about this matter nor do I recall attending any hearing about campaign literature on 9/17/71, as indicated in Mr. Tannenbaum's diary.

The ballots were ready for mailing by 9/21/71 and the packing of the envelopes containing the ballots was observed by IBC member Eisenhauer and candidate Amos Koonce. The ballots were taken to the post office alone by Mr. Stanley Starr, who operates a business known as B&M Delivery. Mr. Starr has done this type of work for us over 10 years and has been found to be of the highest integrity and trustworthiness. Anyone could have gone to the Post office to observe the mailing.

I see in Mr. Tannenbaum's diary an entry on 9/24/71 indicating that a Mr. Wyatt from former local 88 wanted to know if the AAA can mail a ballot to a ship if a member has no address other than the union hall. The diary entry states,"Schwartz, O'Callaghan agreed." I don't recall discussing this matter with Mr. Tannenbaum. Mr. Tannenbaum may have been unable to reach any members of the IBC. In any event, getting the approval of the International's attorney or the International's President, rather than the IBC is a shadowy area.

No records were maintained of the candidates who inspected the mailing list which ~~were~~ was kept in my office. However, it was available daily and was inspected by several of the candidates who lived in the New York area, including Captains Sholdon, Koonce and Mareaux. I don't believe any of the candidates from outside the greater New York metropolitan area came to inspect the list. We did not permit anyone to copy the addresses of members. They could however, copy the names. They did not see the list contained the control numbers.

682a

The list shown to the candidates was a computer printout list broken down by port or branch which listed the members of the Offshore Division. No one asked to see the lists we had available for the Pilots Division and the various inland locals.

We received many requests for duplicate ballots and sent them out upon receipt and marked "dup" and the date on our control list. We did not tally the number of "dups" that we mailed to those who requested another ballot. I know that the International Secretary-Treasurer, Robert J. Lowen, sent several letters to us after the ballots had been mailed on 9/21/71 requesting us to send ballots to other members whose names somehow had not originally been provided to us. Someone in our office was assigned to mail out these ballots, and did so.

I don't know who prepared the ballot box which was placed in the vault at the American Bank and Trust Company. I do recall that the original one was too big.

During the course of the election I obtained running totals from the American Bank and Trust Company concerning how many ballots had been received. I had no way of knowing at the time that errors in addition or the bank's part would create a discrepancy with our certification.

No attempt was made to check the members' names on one mailing list against another mailing list to determine if any names might appear on two lists. 683a

I do not know of any order being on file with us to comply with Article V, Section 8(g) of the International Constitution which states "The members of the official International Ballot committee and the Impartial Balloting Agency shall be empowered with ~~written~~ order executed by the Organization and signed by the International President and International Secretary-Treasurer and under the seal of the organization, the proceed within seven (7) days following the close of the balloting to the safe deposit vault where the locked and sealed ballot box is kept."

On December 21, 1971 I attended a meeting of the International Ballot Committee at which Burton Hall, attorney for the diasidents, argued that any nonpostmarked ballots be set aside before the counting was to begin on 12/22/71. When we had reviewed the constitution we did not anticipate any problem with nonpostmarked ballots and had not advised anyone at the American Bank and Trust Company that postmarks on the envelopes would be necessary. On or about December 21, 1971, two members picked up ballots from me at my office. I advised both of them to personally deliver their ballots to the American Bank and Trust Company in order to be assured that the ballots would be in the ballot box before it was picked up. I had no inkling that the International Ballot Committee would rule that the non-postmarked ballots would not be counted.

However, on the afternoon of 12/21/71, I was present at the IBC meeting when the committee announced their decision that nonpostmarked ballots would not be counted.

I did not agree with their decision ~~after lunch~~ which in effect disenfranchised approximately 15% of the voters, including two of the candidates for International President, Captains O'Callaghan and Sheldon. On the morning of 12/22/71, while others were picking up the ballots at the bank, I sat in the AAA office with Lowen and Henry Nereaux, a dissident candidate for office in the Port of New York, and went over Lowen's list of ineligibles. No sample signatures were provided for the election by the union.

The ballot box was brought to the AAA offices on the 9th floor of the 140 West 51st Street, New York, N.Y. There were 4 to 5 tables there. During the course of the day, we used a total of 25 clerks to help sort and count the ballots. The committee opened the box. The first step I believe was to remove the nonpostmarked ballots. Then to arrange the remaining ballots numberically by control number, which automatically sorted them into the various ports.

The clerks had been instructed by Mr. Lee Epstein, AAA arbitrator, as to their duties for that day. I do not know what he told them regarding detecting postmarks. The next step was to determine eligibility of the members to vote.

There were teams of clerks set up to make the checks. One clerk would look at the envelope and call out the name of the member and the second clerk would look at the name on the AAA control list to see if that particular member had been challenged for nonpayment of dues or other reasons. Also, the number on the envelope had to agree with the number on the list. If he had not been challenged, a line was drawn across the name and the envelope was ready for opening. If he had been challenged, the word "chal" or "challenged" was written on the envelope and it was set aside. I don't know if this procedure was done port by port or if all the clerks worked on the Port of New York. I do not know why the envelope of Herbert Hundell was not opened and counted. Perhaps he didn't pay his dues.

I was watching the count during the afternoon and evening of 12/22/71. I did not attend the International Ballot Committee meeting held after the Port Agent of New York count showed that dissident Hemming lost to incumbent Gaier by only 10 votes.

The IBC again decided not to open the nonpostmarked ballots. No one considered calling any official of the American Bank & Trust Co. to verify that the ballots without postmark had been received from the post offices.

The counting of the ballots was finished on 12/22/71 but another meeting of the IBC was scheduled for 1/5/72 to complete any unfinished business in connection with the election. Certain challenged ballots were reviewed by the committee and some were opened, counted and added to the previous totals. In reviewing the nonpostmarked ballots we saw the envelopes from candidates O'Callaghan and Sheldon, along with others. I don't recall if we checked all the nonpostmarked ballots again for signs of postmarks.

686a

We asked representatives of the incumbents and the dissidents to initial all the nonpostmarked ballots to protect the AAA from later charges of tampering with the envelopes.

The IBC told us that there would be runoffs in the Port of San Francisco where candidates did not received 50% of the votes cost. We do not know the reason for this decision. Our certification shows the number of votes each candidate received.

687a

AMERICAN ARBITRATION ASSOCIATION 140 WEST 51 STREET, NEW YORK, N.Y. 10020

(212) 582-662

September 12, 1972

Officers
Chairman of the Board
Howard M. Holtzmann
Chairman, Executive Committee
E. Nobles Lowe
Past Chairmen
J. Victor Herd
David W. Peck
Treasurer
Henry A. Loeb

President
Robert Coulson
General Counsel
Gerald Aksen
Vice Presidents
Willoughby Abner
John P. E. Brown
Edwin W. Dippold
Joseph S. Murphy
Morris Stone

Research Institute
President
Donald B. Straus

Committee Chairmen
Whitney North Seymour
Arbitration Law
Henry Clifton, Jr.
Arbitration Practice
Bruce F. Smith
Budget
David L. Cole
Panels
Quigg Newton
Library
Glen H. Abplanalp
Construction Industry

Mr. Brian P. O'Hanlon
U. S. DEPARTMENT OF LABOR
Labor-Management Services
Administration
233 West 49 Street
New York, New York 10009

Dear Mr. O'Hanlon:

RE: Election of Officers
Masters, Mates & Pilots

Enclosed please find one copy of a statement by Margaret U. Carlson, our Election Director. The enclosed is a re-typed and slightly edited version of the statement you submitted to us. The corrections made were in conformity with the notes and recollections of Mrs. Carlson and we trust that it will prove acceptable as Mrs. Carlson advises me that it is now correct.

As you can understand, we would like to have a copy countersigned by you and Ms. Sokolsky and hence any arrangements we can arrive at would be appreciated so we may expedite signing and submitting the statement.

Yours very truly,

Marshall Lippman
Assistant to General Counsel

ML:aap
Enclosure

SEP 14 1972

NYAO LMSA

Offices: Boston • Charlotte • Chicago • Cincinnati • Cleveland • Dallas • Detroit • Hartford • Los Angeles • Miami • Minneapolis • New Brunswick, N.J. New York • Philadelphia • Phoenix • Pittsburgh • San Diego • San Francisco • Seattle • Syracuse • Washington, D.C.

BPO 1B

688a

I, Margaret U. Carlson, Election Director, American Arbitration Association, Abbey-Victoria Hotel, 7th Avenue at 51st Street, New York, N. Y., do hereby make the following statement to Brian P. O'Hanlon and Rona Sokolsky, who have identified themselves to me as Compliance Officers of the U.S. Department of Labor. This statement is made without coercion or promise of any benefit whatsoever. The information herein contained represents responsive answers to questions posed by the aforementioned Compliance Officers in the course of several interviews. This text has been reviewed by me after preparation by these officers and it has been stipulated and agreed that this statement, each page of which has been initialed by me, represents all the information requested by said officers and supplied by me and it has been further agreed and stipulated that no other statements, memoranda, transcripts, records, testimony or other evidence purported to be supplied by me now exist or shall be prepared and this statement represents the whole and entire statement made by me in connection with the election.

The American Arbitration Association (hereinafter "AAA") had been selected to conduct the referendum election of International Officers and certain officers of the Offshore Division, Pilot Division, of the International Organization of Masters, Mates and Pilots by action of their 60th convention which had been in Galveston, Texas during the week of July 26, 1971. I was so advised officially in a letter signed by Captain Robert J. Lowen, International Secretary-Treasurer, dated August 24, 1971.

The AAA did not review what had already been done in the way of preparation for the election. I was informed of the convention and an AAA bid was submitted. I was later informed that the members of the

International Ballot Committee had been chosen. The AAA was hired by the International to administer the election as an impartial agency as provided by the international constitution subject to the approval of the International Ballot Committee.

In answer to a specific question regarding certain letters of Captain O'Callaghan, I replied that I did not have any discussion with Captain O'Callaghan, International President, regarding his covering letters dated April 30, 1971 which accompanied the "notice of election" which apparently had been sent to the members of the various divisions. And, I do recall seeing the letter of 4/30/71 signed by Captain O'Callaghan or the various notices of election allegedly mailed to the members.

I had discussed the role of the AAA in the election with our Counsel so that the Election Department would have an understanding of its role in conducting the election. I reviewed the International constitution but did not review the Offshore Division and Pilot Division By-Laws nor the By-Laws of any locals. The AAA being an impartial agency for the International Ballot Committee which, according to the constitution, is responsible for supervising the election. The AAA does not feel that it was our function to make interpretations of the constitution or any of the By-Laws. However, if we noted a clear violation of the constitution, we would raise the question with the ballot committee so as to perform our function in accordance with our standards.

The ballots were not mailed within the 30th day following the close of the convention because a determination had to be made by the IBC concerning the request of Amos Koonce to withdraw his candidacy for the Executive Assistant - Port Agent position in the port of New York

We felt that the "nomination period" did not end until this matter was resolved. The IBC did not resolve the question until after its first meeting, around the end of August, 1971. 690a

A court action brought by candidate Lloyd Sheldon is a matter of public record. Ballots were mailed in accordance with the proceedings and orders of the court. I was not aware of how many ballots were already at the bank when the judge ordered the union to give Sheldon equal distribution for campaign literature he wished to mail. Sheldon's material was mailed in accordance with the court order around the first week in November, 1971. My first meeting with IBC took place around the end of August 1971, in New York City. I do not recall who arranged this meeting.

Mr. Sam V. Tannenbaum, AAA Election Administrator, was assigned to the election. He arranged many of the details, including the selection of the Bronx, New York branch of the American Bank and Trust Compan for the receipt of the ballots from the Post Office. I would have preferred to use the facilities of the Manufacturers Hanover Bank but that bank had rejected our proposal to rent appropriate facilities to store the ballots.

Although I see that Mr. Tannenbaum's diary entry of 8/30/71 stat that "signature cards will be updated" I do not recall any such decision being reached by the International Ballot Committee. I do not believe any arrangements were made to accomplish any updating. In response to a question, I replied that I knew that Local 88 in New York did hire handwriting experts in the past.

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_____

In my understanding that the constitution provided that ballots cannot be mailed to Union Halls, the International gave the AAA a list of the addresses of the union offices throughout the county and the AAA checked this list against the lists of the membership when broken down alphabetically by port which contained addresses for most of the members. When it was discovered that some members' addresses on the lists provided by the International were the addresses of union offices, the ballot was and we prepared and mailed to these members a letter requesting them to provide us with a mailing address other than an office of the union.

We did not conduct any eligibility check on the lists provided by the International before they were mailed. This was the responsibility of the International. The International also provided us with gummed labels which contained the names and addresses of the members.

Within the individual ports, members had been listed alphabetically on the lists provided by the International. Control numbers were assigned to members by Port by the AAA. These lists were alphabetically arranged by Port such as Baltimore, Boston, Galveston, etc. The AAA, however, scrambled the order of the ports in assigning numbers. For example, the port of New Orleans was placed before the port of Mobile. Thus, New Orleans was then assigned lower control numbers than Mobile's. Occasionally, if the clerk inadvertently failed to assign a control number to a name, I would assign the same number given to someone else but would add an "A" to the number. I feel that this method of further scrambling threw off the strictly alphabetical assignment of numbers to the names. I have no recollection of the method used to determine the position of the candidates on the ballot or who may have prepared the statement on the ballot. The AAA time stamped the ballots before they were inserted

into the envelopes and I noted the time period for each port as a furt
precaution.

Mr. Tannenbaum had taken care of the details concerning the pr
ing of the ballots. The AAA normally uses a New Jersey printer to pre
the ballots. The International Ballot Committee, however, had already
made arrangements to use the printing firm of WIRTH-STRAHLER and Son,
of Baltimore, Maryland. Although I would have preferred to use our us
printer, I consented to it since I felt that it did not violate any of
election rules of the AAA and all arrangements were subject to the app
of the Ballot Committee. The role of the AAA was to conduct it impart
according to our standards. Mr. Tannenbaum left the AAA around the en
of September, 1971 and had no participation in the election thereafter
He left because he did not want to work the long hours his position re

I met Mr. Strahler when he brought the galleys of the ballots t
York City for the review by members of the IBC. I don't recall if Mr.
Tannenbaum visited the printer in Baltimore, Maryland but I feel that
control on checking the ballot envelope on 12/22/71 was virtually fool
proof in preventing any ballots that might have gotten into ineligible
hands from being counted since our procedure of scrambling numbers and
time stamping were multiple safeguards.

The ballots arrived here on 9/15/71. The AAA did not count th
We accepted the figures shown on a letter from the printer which state
amount of each ballot which was printed. We do not have any affidavit
the printer regarding the number of ballots printed or delivered.

In regard to the mailing of campaign literature, I believe tha
the IBC ruled that it would only be mailed through the AAA in New York
N.Y. Mr. Tannenbaum took care of the details concerning the notificat
of the candidates but I recall that a letter was sent to all the cand

notifying them that their campaign literature had to be sent to the AA in New York, N.Y. for distribution to the membership. The Internatio had provided us with 8 to 10 sets of mailing labels and we could have quickly obtained more if they had been needed.

I don't recall any phone call from a Captain LaRocca of New O between August 31 and September 7, 1971 or at any other time nor do I member telling him that the printer across the street from the Union on Gravier Street would be mailing out campaign literature and that h could see the membership list there.

I don't recall if we had planned to provide AAA offices in po cities with copies of the membership lists. I have read the entry of 9/2/71 in Mr. Tannenbaum's diary to the effect that Captain O'Callagha International President said membership lists cannot be sent to maili houses. I do not recall having any discussion with Mr. Tannenbaum abo this matter nor do I recall attending any hearing about campaign liter ture on 9/17/71, as indicated in Mr. Tannenbaum's diary. As I was not in New York on that date, it is my understanding that, the ballots wer ready for mailing by 9/21/71 and the packing of the envelopes contain the ballots weas observed by IBC member Eisenhauer and candidate Amos Koonce. It is my belief that the ballots were taken to the post offic by Mr. Stanley Starr, who operates a business known as B&M Delivery. Mr. Starr has done this type of work regularly for us over 10 years an has been found to be of the highest integrity and trustworthiness. An one could have gone to the Post Office to observe the mailing.

I have noted in Mr. Tannenbaum's diary an entry on 9/24/71 ind cating that a Mr. Wyatt from former Local 88 wanted to know if the AAA mail a ballot to a ship if a member has no address other than the unio hall and that the diary entry states, "Schwartz, O'Callaghan agreed."

I was in Europe at this time and have no direct knowledge of this. I do not recall discussing this matter with Mr. Tannenbaum.

No records were maintained of the candidates who inspected the mailing list which was kept in my office. However, it was available da and was inspected by several of the candidates who lived in New York ar including Captain Sheldon, Koonce and Nereaux. I do not believe any of the candidates from outside the greater New York metropolitan area came to inspect the list. We did not permit anyone to copy the addresses of members. They could, however, copy the names. They did not see the li that contained the control numbers.

The list shown to the candidates was a computer printout list broken down by port or branch which listed the members of the Offshore Division. I do not recall anyone asking to see the lists we had available for the Pilots Division and the various inland locals.

We received requests for duplicate ballots and sent them out up receipt of the request. These were marked "dup" and the date entered c our control list. We did not tally the number of "dups" that we mailed I know that the International Secretary-Treasurer, Robert J. Lowen, ser several letters to us after the ballots had been mailed on 9/21/71 requesting us to send ballots to other members whose names had not originally been provided to us. An AAA staff member was assigned to mail ou these ballots and did so.

I do not know who prepared the ballot box which was placed in t vault at the American Bank and Trust Company. I do recall that the bo: originally prepared for the purpose was too big.

During the course of the election, the AAA obtained running to from the American Bank and Trust Company concerning how many ballots h

been received. We were unaware of any errors in addition on the bank's part at that time. Various challenges were made if it was thought that a member's name on one mailing list against another mailing list to determine if any names might appear on two lists.

On December 21, 1971 I attended a meeting of the International Ballot Committee at which Burton Hall, attorney for the dissidents, argu that any nonpostmarked ballots be set aside before the counting was to begin on 12/22/71. On or about December 21, 1971, two members picked up ballots from me at my office. I advised both of them to personally deliver their ballots to the American Bank and Trust Company in order to b assured that the ballots would be in the ballot box before it was picked up. I did not anticipate that the International Ballot Committee would rule that the non-postmarked ballots would be challenged. On the afternoon of 12/21/71, I was present at the IBC meeting when the committee announced their decision that non-postmarked ballots would not be count

On the morning of 12/22/71, while others were picking up the ballots at the bank, I sat in the AAA office with Captain Lowen and Hen Nereaux, a dissident candiate for office in the Port of New York, and w over Captain Lowen's list of ineligibles. Where a man had received a ballot and was ineligible on the day of the count, the ballot was challenged.

The ballot box was brought to the AAA offices on the 9th floor of the 140 West 51st Street, New York, N.Y. There were 4 to 5 tables there. During the course of the day, we used a total of 25 clerks to help sort and count the ballots. The committee opened the box. The first step I believe was to remove the non-postmarked ballots. Then t arrange the remaining ballots numerically by control number, which

automatically sorted them into the various ports.

The clerks had been instructed by Lee Epstein, Esq. supervising arbitrator, as to their duties for that day. I do not know what he told them regarding detecting postmarks. There were teams of clerks set up to make the check. One clerk would look at the envelope and call out the name of the member and the control number and the second clerk would look at the name and number on the AAA control list and see if that particular member had been challenged. If name and number agreed and if he had not been challenged, a line was drawn across the name and the envelop was ready for opening. If he had been challenged, the word "chal" or "challenged" was written on the envelope and it was set aside. I was watching the count during the afternoon and evening of 12/22/71. I did not attend the International Ballot Committee meeting held after the Port Agent of New York count showed that dissident Hemming lost to incumbent Gaier by only 10 votes.

The counting of the ballots was finished on 12/22/71 but another meeting of the IBC was scheduled for 1/5/72 to complete any unfinished business in connection with the election. Certain challenged ballots we reviewed by the committee and some were opened, counted and added to the previous totals. In reviewing the non-postmarked ballots, we noted that the envelopes included those of candidates O'Callaghan and Sheldon, among others. I do not recall if we checked all the non-postmarked ballots as for signs of postmarks. We asked representatives of the incumbents and dissidents to initial all the non-postmarked ballots to protect the AAA from later charges of tampering with the envelopes.

The IBC told us that there would be runoffs in the Port of San Francisco where candidates did not receive 50% of the votes cast. We do not know the reason for this decision. Our certification showed the number of votes each candidate received.

This statement contains my complete recollection with regard to this election.

Margaret U. Carlson

This statement is accepted subject to the agreement and stipulation contained in the first paragraph. The undersigned compliance officers agree that this statement is the complete and true memorandum of all the information supplied by Margaret U. Carlson at any time and that we have no information adding to, modifying or contradicting this statement. In witness of this agreement, we have initialed each page and given a signed and initialed true copy to Mrs. Carlson.

Brian P. O'Hanlon

Rona Sokolsky

BPO 2

698a

TO: BALLOT COMMITTEE, MM&P

December 22, 1971

I, Lloyd W. Sheldon, candidate for International President, challenge the eligibility of the following-named persons to vote in the 1971 IOMM&P election:

Local 14 Inland Baltimore

Arona, J. R.
Aldrich, C.
Butler, E. R.
Frantzen, P. J.
Schmidt, C. R.
Parker, F. F.
Sodergren, Eric
Stone, R. C.
Taucher, Fred
Wolf, E. J.
Hood, Dick
Jones, J. M.
Mountain, Ernest

Local 14 Inland Philadelphia

Cobb, W. N.
Ivaldi, J. A.
McElhaney, R. D.
Spain, J. M.
Tetelanski, Edward

Local 5 Inland Providence

Connor, Paul M.
Canha, R. J.
Zelski, W. B. Sr.
Prudencia, George
Sousa, Jules
Nickowal, B.
Turner, S. J.
Gwodz, J.
Maseda, Carl M.
Nemeth, Edward L.
Holette, Joseph
Greene, Rudolph
Ferro, Alfred
Smith, Alec M.
Nickowal, John C.
Jardin, A. R. Jr.
Costa, Anthony
Zelski, Walter B. Jr.
Oliver, Raymond
Faria, R. J.
Manchester, J. C.

Inland Local 30 Panama Canal

Anderson, L. G.
Beers, J. A.
Belzer, R.
Boyd, R. F.
Bright, R. G.
Cristian, J. Y.
Cramer, G. M.
Dickman, J. H.
Evans, E. G.
Farmer, J. W.
Fritz, C. L.
Garrido, D. P.
Hall, R. V.
Holgerson, E. J.
Hultin, O. V.
Irvin, S. S. Jr.
Jablonski, T. F.
Kaufman, J. R.
Londynsky, S.
Lowe, J. W.
Mate, R. S.
McKeen, J. F.
Wooldijk, M. F.
Pierce, W. Jr.
Saunders, F. D.
Shroder, E. C.
Vantine, W. H.
Wesley, R. J.

AMW 8 Jacksonville

Streckfus, Stephen V.
Thurlow, R. E. Jr.
Paulo, E. R.
Andrews, F.
Sessler, R. J.
Slade, N. J.
Dowling, C.
Davis, J. L.
Wheaton, J. M.
Heckox, J.
Ogel, J. R.
Spivey, J. M.
Baird, R.
White, R. F.
Leonard, D. E.
Leonard, Al
Sorensen, R.
Bryant, W. W.
Short, W.
Craft, Jack
Ellison, C.
Watson, J. R.
Anchors, Jack
Brown, C. E.

~~Local 5~~ Providence

Brown, T.
Coyle, P. C.
Correia, J.
Dupont, D.
Harrison, J.
Hart, R. L.
Jennings, T.
Jacobsen, J.
Lancashire, S.
Longshaw, E.
Pennington, J. J.
Power, W. F.
Roy, A. J.
Shoard, R.
Noel, E. F.

I call attention of Ballot Committee to provisions of Int. Constitution Art. VIII, Section 1, in connection with International dues and Minimal Annual dues. Nobody's imagination need be unduly taxed to see the need for the International Secretary Treasurer to fully and completely carry out his duties under Art. VI, 3, (b) to make certain no person votes who should in fact be suspended for non-payment of dues. The same calibre of close scrutiny is necessary in the case of AMW members in view of the huge gap between minimum dues and International dues for AMW members as set forth under Article XII.

Challenge is also made of all ballots addressed to Stewart - Carnal & Co., Ltd. PO Box 30338, N. O., La. 70130. Stewart - Carnal & Co., Ltd. leases space from Offshore Division New Orleans (former Local 15) in that subordinate bodies own building. This address for quite a number of Offshore Division New Orleans members is strictly a drop set up by incumbent officials as a subterfuge to get around Art. V, 8, e)

Lloyd W. Sheldon

Lloyd W. Sheldon
Candidate for International President

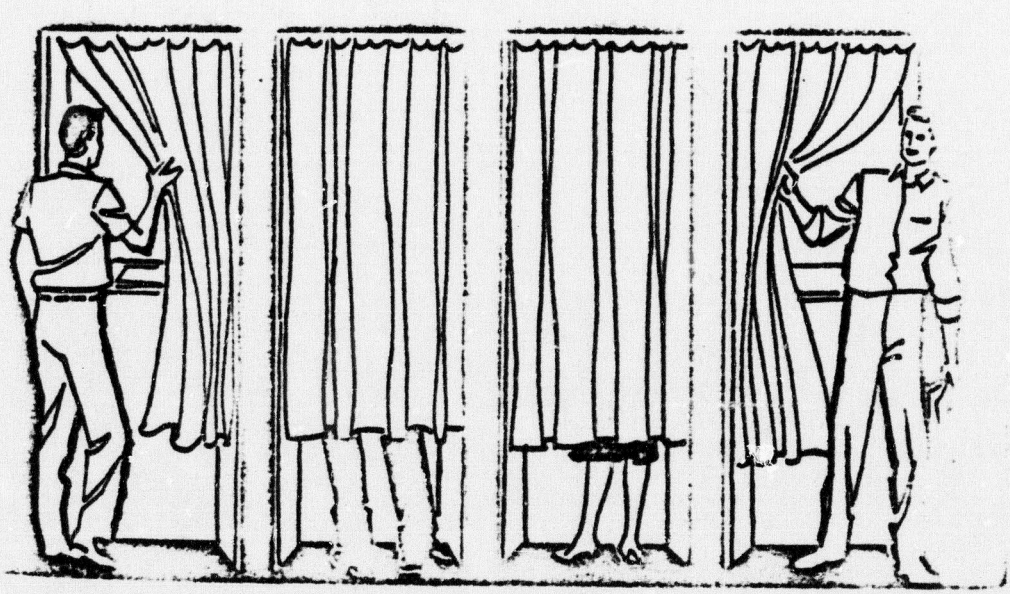
also made on behalf of George Vance a candidate for Int Exec Vice President and Charles Hurtrand a candidate for Int Sec Treas.
Thomas Broome

BEST COPY AVAILABLE

Revised September 1971

700a

ELECTING UNION OFFICERS



Technical Assistance Aid No. 5
Revised September 1971

Requirements For

ELECTING UNION OFFICERS

As Prescribed in Title IV and Related Provisions of the Labor-Management Reporting and Disclosure Act, as Amended

United States Department of Labor
J. D. Hodgson, Secretary

Labor-Management Services Administration
Assistant Secretary W. J. Usery, Jr.
Administrator

Office of Labor-Management and Welfare-Pension Reports
Leonard J. Lurie, Director

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price 35 cents

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NOTICE TO POSTAL EMPLOYEES

Effective July 1, 1971, unions of postal employees became subject to the provisions of the Labor-Management Reporting and Disclosure Act of 1959, As Amended (LMRDA). The election provisions of the Act are described in this booklet.

NOTICE TO OTHER FEDERAL EMPLOYEES

Most other unions of Federal Government Employees are subject to the provisions of Executive Order 11491. By virtue of section 204.29 of the Standards of Conduct Regulations, 29 CFR 204, issued pursuant to section 18 of the Order, the substantive provisions of title IV of the LMRDA (described herein), relating to the election of union officers, are made applicable to unions subject to the Order.

It should be noted that the Standards of Conduct Regulations have established enforcement procedures different from those in the LMRDA. These are found at 29 CFR 204.63 through 204.65. Copies of the Regulations may be secured from the Area Offices of the Labor-Management Services Administration (LMSA), the addresses of which are given at the back of this booklet.

A revision of this booklet which will incorporate these developments is now in process.

1 ELECTION PROVISIONS IN GENERAL

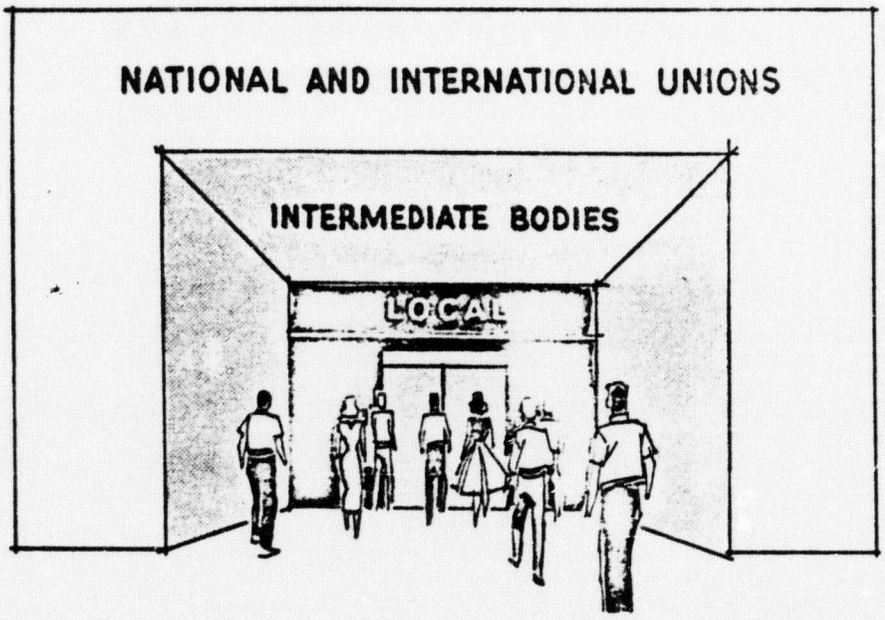
An important section of the Labor-Management Reporting and Disclosure Act of 1959, as Amended, deals with the election of union officers. Its aim is to safeguard democratic processes. To this end, title IV of the act prescribes certain procedures which must be followed by all labor organizations covered by the act, regardless of whether the organizations' constitutions and bylaws so provide. Other sections of the law also relate to union elections.

Under these provisions the maximum length of the terms of office of elected union officials has been fixed for various types of labor organizations; certain requirements for candidacy for office have been prescribed; minimum union election campaign standards have been established for local unions and for national and international unions; and rules for the conduct of nominations and elections have been enacted.

The act does *not* set forth in detail the procedures for nominations and elections of officers which must be followed. Rather it sets up minimum requirements. Beyond this, the principle is established that elections are to be conducted in accordance with the constitution and bylaws of each labor organization covered under the act, so long as these organizational rules do not conflict with the provisions of the law.

The question may be asked, "Do the constitution and bylaws have to specify the required election procedures of title IV?" To be consistent with the provisions of the act, a union's constitution and bylaws should provide for election procedures which comply with the requirements of title IV of the act. This does not preclude a union from setting forth additional procedures provided these are not inconsistent with the act.

2 ORGANIZATIONS COVERED



The election provisions of the act in title IV are applicable to national and international labor organizations, except federations of such organizations, for example, the AFL–CIO. These provisions also apply to intermediate bodies such as general committees, conferences, system boards, joint boards, or joint councils. In addition, title IV also applies to local labor unions. These provisions, however, do *not* apply to State and local central bodies which are excluded from coverage under the act.

Organizations composed entirely of government employees are likewise excluded from the coverage of the act. (Government, as an employer, includes the U.S. Government, corporations wholly owned by the Federal Government, the States and any subordinate governmental units, including counties and municipalities.) However, where

an international or national labor organization has some locals of government employees, and other locals which contain both government and nongovernment employees ("mixed" locals), or are composed entirely of nongovernment employees, the parent organization and both its mixed and its nongovernment locals are subject to this title. Further, while the election requirements generally do not apply to a local union composed entirely of government employees, there is an important exception: When such a local participates in the election of officers of its parent organization which is subject to the election requirements, then the title IV election procedures must be followed. The same is true in the case of election of convention delegates who elect officers of a national or international union or of an intermediate body covered by the act. Thus, a local composed solely of government employees would have to select convention delegates by secret ballot if the parent organization is subject to the act, and if the delegates are to participate in the election of national and international officers. A local union composed exclusively of craftsmen employed by the government at a Navy yard, for instance, would be required to elect, by secret ballot, delegates to such a convention of the international union of its craft.

Although the act is limited to the activities of persons and organizations within the territorial jurisdiction of the United States, an international union or intermediate body is not exempted from the requirements of the act by virtue of the participation of its foreign locals or foreign membership in its elections. For example, votes received from Canadian members in referendum elections held by an international union with headquarters in the United States must have been cast under procedures meeting the requirements of the act, and delegates from Canadian affiliates participating in conventions where officers of the international body are to be elected must have been elected by secret ballot.

3 WHO MUST BE ELECTED AND HOW OFTEN

A. Offices To Be Filled by Election

A question that must be answered at the outset is, "What union offices must be filled by election?" This is obviously an important question. The act states flatly that *all* officers must be elected.

But what does "officer" mean? This term is defined in the law as, "Any constitutional officer, any person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions of a labor organization and any member of its executive board or similar governing body." It is apparent that not only the major union offices are to be filled by election (the president, vice president, secretary, and treasurer), but also any other office in which persons exercise executive functions. Members of executive boards or similar governing bodies also must be elected. In contrast, most shop stewards are not required to be elected because they normally do not exercise executive functions. However, a shop steward would qualify as an "officer" (and thus become subject to the act's election requirements) if so designated in the union's constitution, or if, as a steward, he were a member of the union's executive board.

In many cases the business agent or business representative of a union has duties which result in his position falling within the definition of officer. For example, if he has primary responsibility for the control and management of the union's funds and fiscal operations he would be considered an "officer" for the purposes of the act.

In addition, any delegate who votes for officers at a convention of a national or international union or an intermediate body, such as a conference or a council, must be elected by secret ballot among the members in good standing of the labor organization he represents. If the constitution and bylaws state that one of the functions of a particular elected officer is to be a delegate who votes for officers at the organization's convention, a special election of that officer to be a con-

vention delegate is not necessary provided the officer was elected by secret ballot among the members in good standing of the labor organization he represents.

While all union officers, including members of executive boards or similar governing bodies, must be elected, the act provides a choice for some types of labor organizations between direct secret ballot elections by the members and indirect elections by delegates or officers representing the members.

Thus, officers of local unions must be elected by secret ballot among the members in good standing. Officers of national or international unions, on the other hand, may be elected either by secret ballot among the members in good standing or at a convention of delegates chosen by secret ballot. Officers of intermediate bodies may be elected either by secret ballot among the members in good standing of the constituent unions, or by officers of the constituent unions, who represent such members and who have been elected by secret ballot.

Professional and other staff members of labor organizations need not be elected if they do not determine policy and are employed only to carry out the policy decisions of the labor organization. These persons are subject to the control and direction of the elected officials and the law does not require such professional or other staff members to be elected.

Elections are not required by the act for union offices which do not possess executive functions and whose holders are not designated as officers by the constitution and bylaws and who are not members of the executive committee or similar governing body of the organization. However, the union's constitution and bylaws may require such offices to be filled by election. In this case, the procedures of title IV need not be followed since the holders of these kinds of offices are not considered "officers" under the law.

B. Trusteeships—A Special Case

When a labor organization is under trusteeship, it is unlawful, under title III, section 303 of the act, to count votes of delegates of the trusteed organization in any convention or election of officers of the parent international union or an intermediate body unless such delegates have been chosen by a secret ballot in which all members in good standing of the trusteed organization were eligible to vote.

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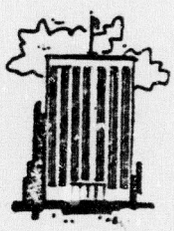
The act does not require that a trusteed organization be represented by delegates at a convention of its parent organization. However, it may send delegates with full voting powers if they have been elected by secret ballot election in which all members in good standing were eligible to vote. It also may send delegates not elected by secret ballot, but it would be unlawful to count votes cast by such delegates in any election of parent organization officers, or on any issue or other resolution presented to the convention.

C. Frequency of Elections

The frequency of elections of officers is stated explicitly in the act. Again, it should be remembered that these are minimum requirements—elections may be held more often but not less often than required by the act. Elections under title IV must be held:



1. At least every 5 years in all national and international labor organizations;

2. At least every 4 years in all intermediate bodies such as general committees, system boards, joint boards, joint councils, and conferences;

3. At least every 3 years in local labor organizations.

These periods are measured from the date of the last election. These requirements *do not* prohibit incumbent officers from being reelected at the end of their terms of office.

D. Unexpired Terms of Office

Frequently during the term of office, a union official will resign or a vacancy will be created due to death or for some other cause. Such vacancies are especially prevalent in the many unpaid offices in local trade unions.

The act is silent on the specific point of what should be done in filling unexpired terms of office. Labor organizations may, therefore, fill such vacancies by using the procedures provided in their constitutions and bylaws, so long as there is compliance with the general standards of union procedure laid down in title I (the "Bill of Rights") of the act.

E. Summary

1. All officers of local unions must be elected by secret ballot.
2. All members of executive boards or similar governing bodies of local unions must be elected by secret ballot.
3. All delegates to conventions of national or international unions or to intermediate bodies must be elected by secret ballot if the delegates vote in the election of officers of such national or international unions or intermediate bodies.
4. All officers of national or international unions and of intermediate bodies must be elected either directly by

secret ballot among the members or indirectly through representatives elected by secret ballot.

5. Professional and other staff members who do not determine policy and who are subject to the control of elected officials need not be elected.
6. Officers must be elected as indicated by the following time intervals:

   In local unions—at least every 3 years;
   In intermediate bodies—at least every 4 years;
   In national and international unions—at least every 5 years.

F. Questions and Answers

QUESTION—May a local union elect its officers every year?

Answer —Yes. The act specifies the longest time intervals permitted between elections. They may be held more often if this is provided for in the organization's constitution and bylaws.

QUESTION—May the executive committee appoint delegates to the international convention when one of the delegates' duties is to vote in the election of international officers?

Answer —No. They must be elected by secret ballot among the members in good standing.

QUESTION—Must shop stewards be elected by secret ballot?

Answer —No, not unless the constitution and bylaws of the organization require that they be elected by a secret ballot, or they do in fact exercise executive functions within the local, or they are designated as officers by the constitutions and bylaws.

QUESTION—Must the chief shop steward be elected by secret ballot?

Answer —If he is a constitutional officer or a member of the executive committee by virtue of being chief shop steward, or if he exercises executive functions within the local, he must be elected by secret ballot.

QUESTION—Must the sergeant-at-arms be elected by secret ballot?

Answer —If the holder of this position is designated as an officer by constitution and bylaws, or if he performs any executive functions, or if he is a member of the local union's executive committee by virtue of being sergeant-at-arms, he must be elected by secret ballot.

QUESTION—May the officers of a local be authorized to represent the local at conventions of the parent body by virtue of their election to office, or must the delegates be elected specifically for each convention?

Answer —The duties of an officer (nominated and elected in accordance with the requirements of title IV) may include representing the local as a delegate to conventions of the parent body. Where the constitution and bylaws confer such duties on an officer, his election as an officer, if held in accordance with the provisions of the act, fulfills the requirement that delegates to conventions be elected by secret ballot, and no separate election is required for him to serve as such a delegate. Such an officer may represent his union in the election of the officers of the parent organization at a convention, provided he was elected by secret ballot.

4 NOMINATION PROCEDURES

A. Basic Provisions

The act requires that a "reasonable opportunity" be given to members in good standing for nominating candidates of their own choice. It also provides that the procedures followed in making nominations must be in accordance with the constitution and bylaws of the labor organization insofar as these are not inconsistent with the requirement that there shall be a "reasonable opportunity" for nominating candidates.

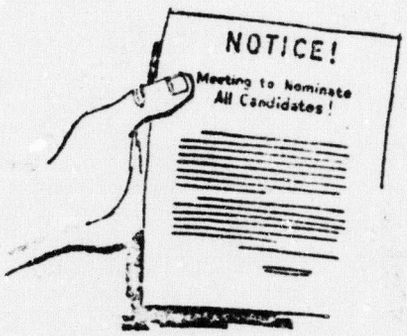
B. Reasonable Notice for Nominations

A labor organization must give reasonable notice of:

1. The offices to be filled by election.
2. The time for submitting nominations.
3. The place for submitting nominations.
4. The proper form for submitting nominations, i.e., whether written, or orally from the floor or some other method.

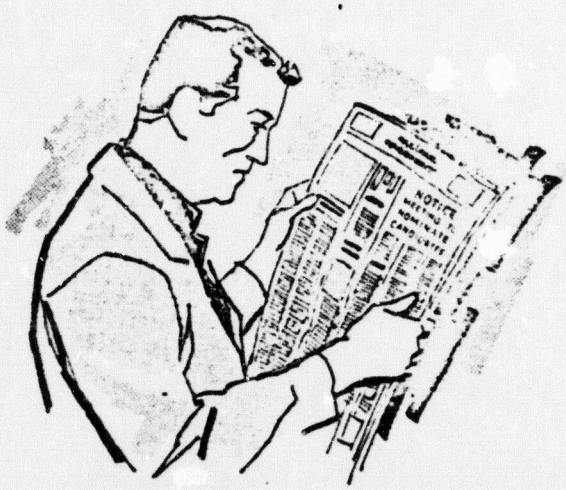
Reasonable notice must be given so that all members in good standing have enough time to nominate candidates of their choice for office.

C. How To Notify



The alternative methods for reasonable notification include:

1. *Mail* notice to each member in good standing within a reasonable time before nominations are held. The act does not prohibit the use of a single notice of both nominations and election. Such joint notice, however, must be given in sufficient time to permit reasonable opportunity for members to nominate candidates and must also meet the requirement for election notices.
2. *Timely publication in union newspaper* which—
   (a) Is reasonably calculated to reach all members in good standing, and which—
   (b) Actually provides reasonable opportunity for nominations to be made.



If notice is given in the union newspaper, the notice should be placed prominently in such manner that the union could reasonably expect the notice to come to the attention of the members.

3. *Other means* in accord with the constitution and by-laws of the union which—
   (a) Are reasonably calculated to reach all members in good standing, and which—
   (b) Actually provide reasonable opportunity for nominations to be made.

D. Who May Be Nominated

Every member in good standing is eligible to be a candidate and to hold office, *subject to reasonable qualifications uniformly imposed* by the labor organization. Prescribing minimum time periods of previous membership in many cases *may* be reasonable. Also, prescribing eligibility for nomination based on geographic, craft, shift or similar lines is normally considered reasonable for a position representing such a membership unit. However, even such rules might be found to be unreasonable if the effect in a particular case is unreasonable, as, for example, if they disqualify all but a handful of members, or if they are imposed only in special cases with the object of disqualifying specific persons.

In this connection, it is a violation of the act to disqualify a member in good standing from being a candidate for alleged delay or default in the payment of dues if his dues are checked off by his employer pursuant to his voluntary authorization and to a collective bargaining agreement.

E. Who Is Ineligible

1. *For Legal Reasons.* The legal exceptions to the above tests of eligibility relate to those persons barred from holding office by section 504(a) of the act. In general, persons convicted of certain crimes are not eligible for holding office for 5 years after conviction if there has been no imprisonment, or for 5 years after the end of the period of imprisonment.

The act states that:

> "No person who is or has been a member of the Communist Party* or who has been convicted of, or served any part of a prison term resulting from his conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or a violation of Title II or III of this Act, or conspiracy to commit any such crimes, shall serve—
>
> as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, or other employee (other than as an employee performing exclusively clerical or custodial duties) of any labor organization . . . during or for five years after the termination of his membership in the Communist Party* or for five years after such conviction or after the end of such imprisonment, unless prior to the end of such five-year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such

*The U.S. Supreme Court, on June 7, 1965, held unconstitutional as a bill of attainder the sec. 504 provision which imposes criminal sanctions on Communist Party members for holding union office (*U.S.* v. *Brown*, 381 U.S. 437, 85 S. Ct. 1707).

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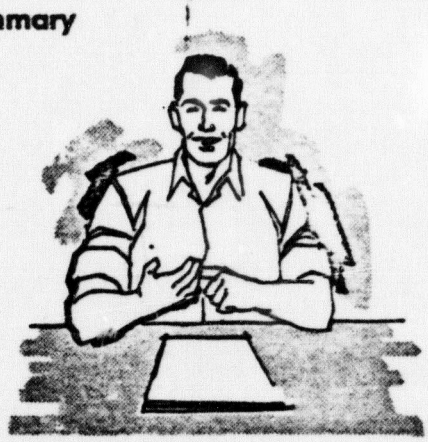
> conviction, have been fully restored, or (B) the Board of Parole of the United States Department of Justice determines that such person's service in any capacity referred to [above] would not be contrary to the purposes of this Act . . .
>
> No labor organization or officer thereof shall knowingly permit any person to assume or hold any office or paid position in violation of this [provision] . . . For the purposes of this [provision], any person shall be deemed to have been "convicted" and under the disability of "conviction" from the date of the judgment of the trial court or the date of the final sustaining of such judgment on appeal, whichever is the later event, regardless of whether such conviction occurred before or after the date of enactment of this Act."

It should be noted that some courts have held the phrase "period of imprisonment" includes not only the period of actual confinement in prison but also any period of parole. The board of parole recently held, however, that "imprisonment" refers only to the period of actual confinement in prison.

2. *For Organizational Reasons.* A labor organization may have in its constitution and bylaws reasonable rules which defer the eligibility of a certain class or certain classes of members to run for or be elected to union office. Such reasonable rules may apply, for instance, to apprentices for a certain reasonable period of time, or to members who have transferred into the local union, for a reasonable period after their transfer.

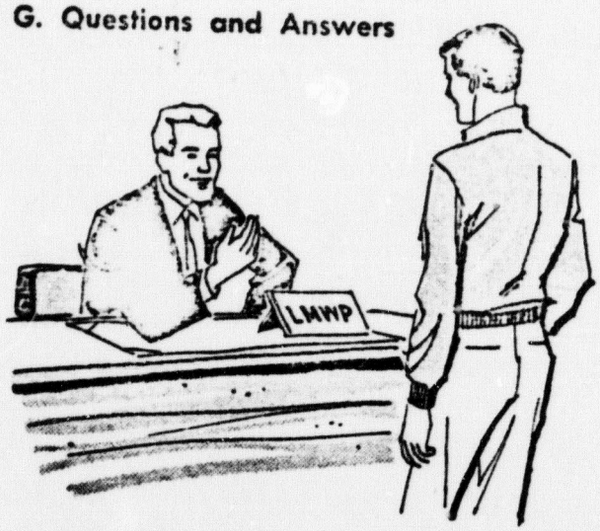
In certain unions it is customary for members to retain their membership in good standing when they become foremen or supervisors. Generally, a union rule preventing such persons from seeking or holding office would be reasonable.

F. Summary



1. Reasonable opportunity for nominating candidates must be provided.
2. Reasonable notice must be provided of offices to be filled and of the time, place, and proper form for submitting nominations.
3. Notice may be by mail, timely publication in the union newspaper, or other effective means.
4. All members in good standing may be candidates and hold office, subject to the restrictions of section 504(a) and to reasonable qualifications uniformly imposed.
5. In general, persons convicted of crimes listed in section 504(a) of the act may not hold office for 5 years after the period of imprisonment, or 5 years after conviction if there was no imprisonment.

G. Questions and Answers



QUESTION—Can nominations and elections be held at the same local union meeting?

Answer —When certain conditions are met, nominations and elections of union officers may be held at the same meeting. Such meeting may be held if during a reasonable period prior to the nomination-election meeting every member eligible to hold office who has announced his candidacy is afforded the protections provided in section 401(c) (e.g., inspection of union membership lists, distribution of campaign literature and sufficient opportunity to campaign for office). Of course, the other safeguards provided for in section 401 of the act (e.g., timely notice, reasonable opportunity to nominate) which are designed to assure a fair election also must be observed.

QUESTION—Can an officer hold more than one office in a labor organization?

Answer —Yes, if this is consistent with the constitution and bylaws of the organization. There is nothing in the act which prohibits multiple officeholding.

QUESTION—Does the act bar from officeholding all persons who have ever been convicted of any crime?

Answer —No. The restrictions on office holding apply only to certain specified crimes, and only during the 5 years following conviction, if there was no imprisonment, or imprisonment, which ever is later.

QUESTION—Notice of nominations was placed on the last page of the union newspaper, among, and indistinguishable from the classified advertisements. Does this constitute reasonable notification?

Answer —No. Prominent display on page 1 of the paper clearly would be reasonable. At the least, the notice should be placed so that it will be clearly visible at a casual reading of the paper by members of the union to whom the notice is addressed.

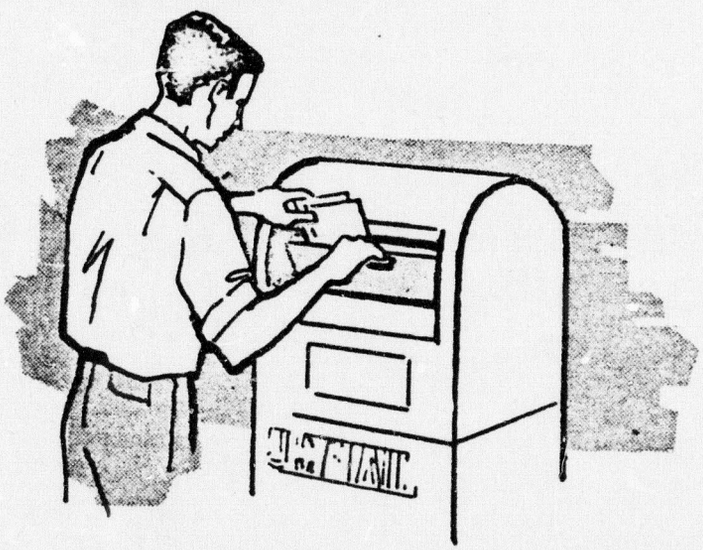
5 CAMPAIGN RULES

A. Basic Provisions

The act sets forth certain basic standards for union election campaigns for national and international unions and for local unions. This does not mean that the union may not have other rules, provided of course, they do not conflict with those prescribed in the law.

The law also indicates that the resources of the union are not to be used to support a favored candidate for office over any other candidates, and it specifically prohibits the union and its officers from discriminating among candidates with respect to certain procedures and use of facilities.

B. Distribution of Literature



All reasonable requests of any candidate to distribute campaign literature by mail or otherwise, at the candidate's expense, to all members in good standing must be honored. If distribution of

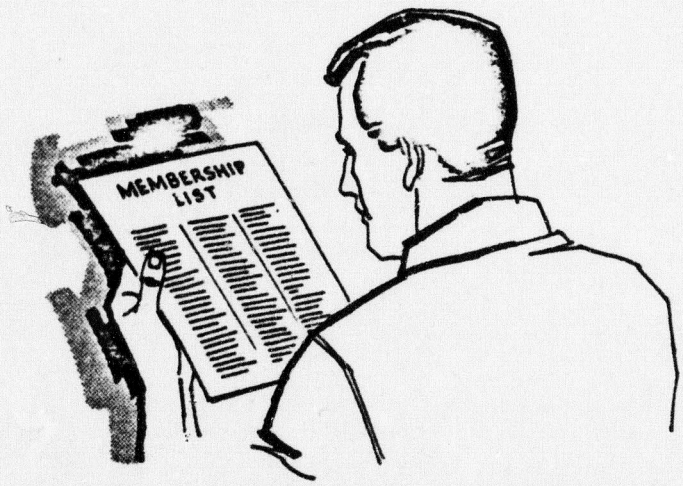
campaign literature for one candidate is made without charge, then distribution for all candidates must be made without charge. However, an organization may not use funds received from dues, assessments, or similar levies to promote the candidacy of a particular individual in a labor organization election.

Such union funds, however, while they may not be used to promote the candidacy of any person, may be used for:

1. Issuances of notices;
2. Factual statements of issues not involving candidates; and
3. Other expenses necessary for the holding of an election.

Employers may not contribute funds, directly or indirectly, in support of the candidacy of any person for union office under any conditions.

C. Inspection of Membership Lists

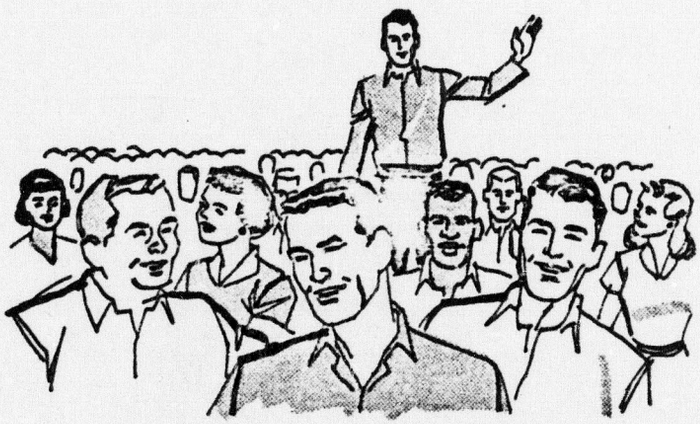


Each bona fide candidate has the right to inspect a list containing the names and last known addresses of all members of the union who are subject to a collective bargaining agreement with the

employer which requires membership in the union as a condition of employment, such as a union shop or a maintenance of membership agreement. This right to inspect does not include the right to copy. The right to inspect is limited to once within 30 days prior to the election.

The union is required to refrain from discriminating in favor of, or against, any candidate with respect to the use of lists of union members. A candidate may be allowed to copy lists of union members if the union will permit it. If one candidate is allowed to make a copy, however, then all candidates must be allowed to copy the lists if they so desire.

D. Membership Participation

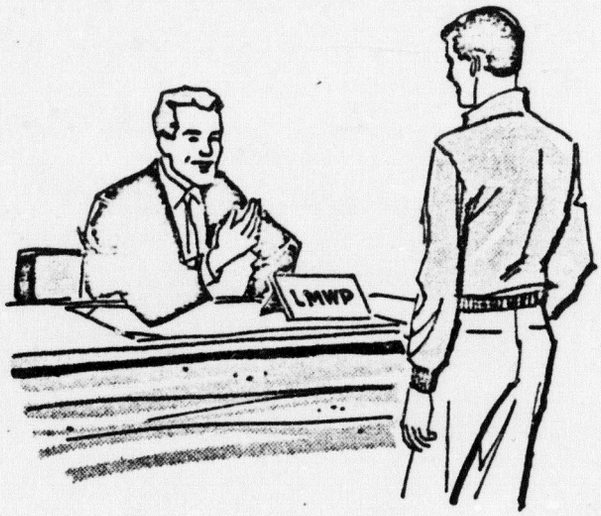


Under title I of the law all members must be accorded equal rights to participate in discussions as well as voting on union business, subject to reasonable rules in the union's constitution and bylaws. In addition, all members have the right to freedom of speech and assembly, to express any views, arguments or opinions, including the right to express at meetings of the labor organization views upon candidates in an election of the labor organization, subject to reasonable rules in the union's constitution and bylaws.

E. Summary

1. All reasonable requests to distribute campaign literature at a candidate's expense must be honored by the union.
2. No funds received from dues, assessments, or similar levies may be used to promote any person's candidacy.
3. No employer may contribute to, or pay for the campaign of any candidate.
4. If there is a collective bargaining agreement requiring union membership as a condition of employment, such as a union shop or maintenance of membership agreement, a candidate has the right, once within 30 days prior to the election, to inspect a list of members subject to such agreement, but not to copy it.
5. Privileges extended to one candidate must be extended to all, for example:
   (a) If literature is distributed on behalf of one candidate, then all candidates must be granted equal service by the union at identical cost.
   (b) If any candidate is allowed to copy membership lists, all candidates have the right to do so.

F. Questions and Answers



QUESTION—May a local union sponsor a debate at a union meeting among all the candidates for a union office?

Answer —So long as no candidate is shown preference over another by the union, there is no prohibition against using dues, assessments or similar levies to pay the normal costs of a meeting at which all candidates for an office are permitted to express their views to the membership.

QUESTION—Must a union distribute campaign literature for a person who wishes to be nominated to run for office?

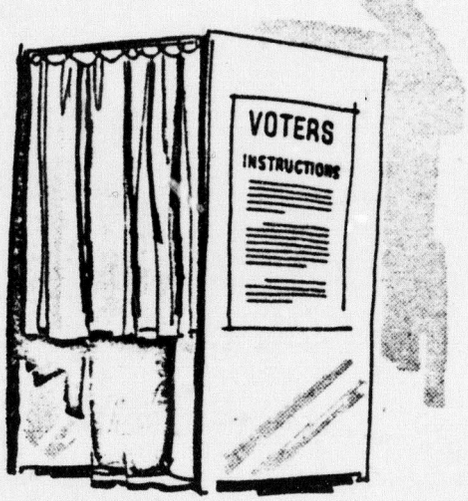
Answer —Yes. The law uses the terms "candidate" and "bona fide candidate" rather than the term "nominee" in describing the persons entitled to this right. Most courts have held that a person may be a candidate for office before he has been nominated to run for that office.

QUESTION—Does the act preclude a union-financed newspaper or magazine from including a section in which all bona fide candidates may state their case?

Answer —The law prohibits the use of certain union funds "to promote the candidacy of any person in an election subject to the provisions of this act." Whether publicity in the

union newspaper promotes the candidacy of any person is obviously a matter of fact to be determined in each case. However, if a union newspaper only made available equal space to each bona fide candidate running for any particular office, it would be difficult to show that this promoted the candidacy of any particular individual.

6 ELECTION PROCEDURES



A. Basic Procedures

All elections required under the act that are held by local unions must be conducted by secret ballot among the members in good standing, subject to reasonable rules uniformly imposed.

Intermediate and national or international labor organizations may elect their officers either by secret ballot among members in good standing (referendum) or at a convention of delegates chosen by secret ballot among members in good standing. In intermediate bodies, officers may be elected by vote of officers who represent the members of the constituent locals, and who have themselves been elected by secret ballot.

The act, which requires that a secret ballot must be held among members in good standing, does not, however, prescribe in specific detail the election procedures which must be followed. The election must satisfy the "ground rules" specified in the act and, beyond this, it must be in accordance with the constitution and bylaws of the labor organization concerned.

B. Meaning of "Member in Good Standing"

What is a member in good standing?

> "Member in good standing" includes any person who has fulfilled the requirements for membership in a labor organization, and who neither has voluntarily withdrawn from membership nor has been expelled or suspended from membership after appropriate proceedings consistent with lawful provisions of the constitution and bylaws of such organization.

However, all members in good standing sometimes may not be eligible to vote. A labor organization may prescribe reasonable rules and regulations with respect to voting eligibility. For example, a period of prior membership may be required, or apprentices may not be allowed to vote until they complete their apprenticeships.

Although reasonable rules may postpone the right to vote, a union may not create permanent special classes of nonvoting members. Thus, while temporary deferment of the right to vote in some cases may be reasonable, the creation of permanent or quasi-permanent classes of nonvoting members normally would violate the law.

Furthermore, a member in good standing whose dues have been checked off under a collective bargaining agreement pursuant to his voluntary authorization may not be disqualified from voting (or being a candidate) because of alleged delay in transmission of or default in payment of dues.

C. What is a "Secret Ballot?"

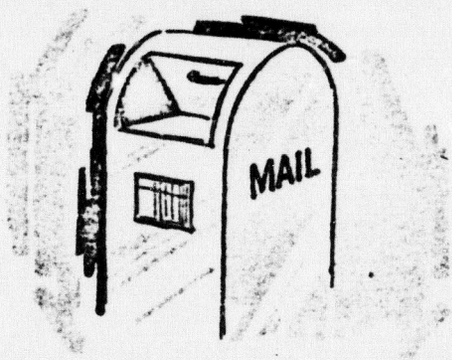
The next question of interest is: "What constitutes a secret ballot?" The act is specific on this point, defining secret ballot as, "The expression by ballot, voting machine, or otherwise, but in no event by proxy, of a choice with respect to any election or vote . . . cast in such a manner that the person expressing such choice cannot be identified with the choice expressed."

If the election is to be in the form of a mail referendum, appropriate provisions must be made to insure that the identity of the individual members will not be disclosed as their marked ballots are submitted and counted.

D. Notice of Election

Notice of election must be *mailed* to each member at his last known home address not less than 15 days prior to the election. The mailing of the election notice and nomination notice may be combined, provided that a reasonable time is allowed for nominations. In an election involving balloting by mail, the notice of election must be mailed at least 15 days before the last day on which ballots must be mailed back in order to be accepted for counting.

The act does not prescribe the physical form of the notice of the election. However, it must include a specification of the time and place of the election and of the offices to be filled, and it must be in such physical form as to be reasonably calculated to inform the members of the impending election. Whether publication of the notice



in a union newspaper would meet the requirements of the act would depend first on whether the particular issue of the newspaper was in fact mailed to the last known address of each union member. It would depend, furthermore, on whether the union reasonably could expect that the notice published in such form would come to the attention of the members. For example, a notice of an election which was published in the newspaper in a section of the publication generally devoted to classified advertisements which was indistinguishable at a glance from other items published in that section hardly would be reasonably calculated to inform the members. It would seem that, at the very least, the front page of the publication should contain a conspicuous item alerting the member to the notice contained elsewhere in the paper.

E. Uncontested Elections

The act provides no exceptions to the requirement that local labor organizations elect officers by secret ballot. Nor does the act provide any exception to the requirement that intermediate bodies and national or international unions elect by secret ballot unless they elect officers by delegates chosen by secret ballot.

However, before an election may be set aside, the act requires that the court must establish that violations may have affected the outcome of the election. As a matter of enforcement policy, the Secretary of Labor will not institute civil action to set aside an election unless there is probable cause to believe that there were violations which may have affected the outcome of the election.

Accordingly, if the nomination procedures and practices of a labor organization (1) provide reasonable opportunity for the nomination of candidates, and (2) write-in votes are not permitted by its constitution and bylaws, and (3) if all other provisions of title IV have been complied with, the Department of Labor's view is that failure to hold a secret ballot election where all candidates are unopposed would not affect the outcome of the election.

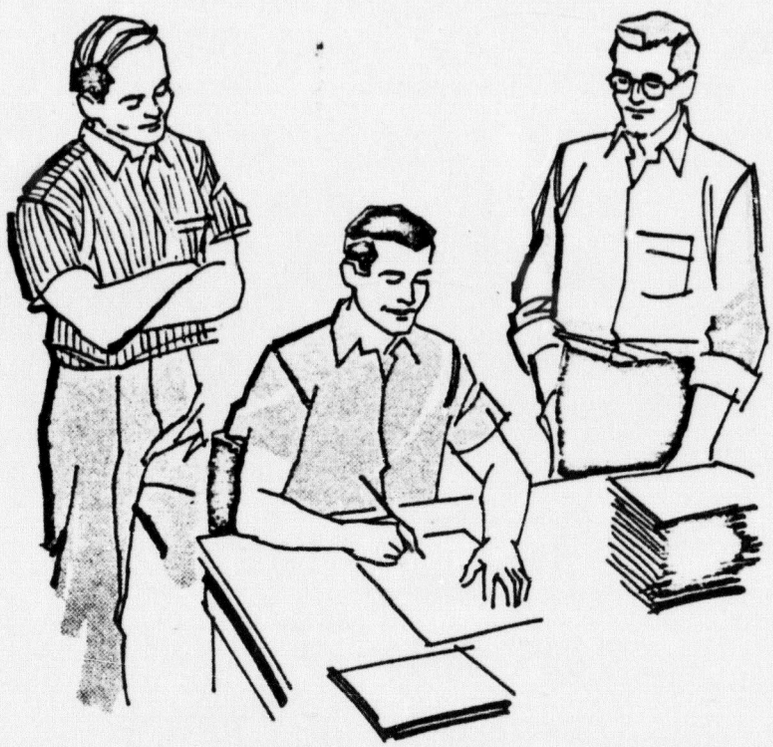
Under such conditions the Secretary would not take enforcement action since it would serve no useful purpose.

F. Counting and Keeping the Ballots

In every election held under this act as provided for in title IV, votes cast by members of each local union must be counted and the results published separately. While the act requires that the results of an election in a local union must be published, it does not require that such publication show the distribution of votes by sections within the local.

In addition, all ballots, including used, unused and challenged ballots, envelopes used to mail in marked ballots in the case of a mail ballot election, tally sheets, and related election documents, must be kept for 1 year by the election officials designated in the constitution and bylaws of the labor organization conducting the election or by the secretary of such organization, if no other official is designated.

G. Right of Candidate To Have Observer



In every election required under the act, each candidate must be permitted to have an observer:

1. At each polling place; and
2. At the counting of the ballots.

Furthermore, a candidate may have as many observers at the counting of the ballots as may be necessary to observe the actual counting of the ballots, and to insure a fair election.

H. Right of Member To Support Candidate

The act further prescribes that in the exercise of the right to support candidates of their choice, members may not be subjected to

penalty, discipline, or improper interference or reprisal of any kind by the labor organization or any of its members.

I. Elections of Officers at Conventions

Elections of officers of national and international labor organizations may be held either by secret ballot of the members or at conventions of delegates elected by secret ballot. Where elections are by secret ballot of the members, all the requirements of the act relating to secret ballot elections must be complied with. In addition, the elections must be in accordance with the constitution and bylaws of the labor organization insofar as they are not inconsistent with the election requirements of the act.

So long as officers of a national or international labor organization are elected at a convention of delegates chosen by secret ballot and in accordance with the provisions of a constitution and bylaws which are not inconsistent with the requirements of the act, the manner in which the vote of the delegates is cast is not subject to special limitations. The act, therefore, does not require that the election of officers at a convention must be by secret ballot. However, the delegates participating in such an election of officers must have been elected by secret ballot in accordance with the standards of the act. There is no prohibition of delegates in a convention voting by proxy, if the constitution and bylaws permit such a practice.

J. Elections of Officers of Intermediate Bodies

Elections of officers of intermediate bodies such as conferences, general committees, joint or system boards, or joint councils may be either by secret ballot among the members of the labor organizations which are represented in such intermediate bodies or by the officers or delegates representing such members. The officers or delegates who represent particular organizations in the election of officers of intermediate bodies must have been elected by secret ballot of their respective memberships. Officers of labor organizations so elected by secret ballot, who by virtue of election to their office are also delegates to such intermediate bodies, would qualify to vote in the election of officers of the intermediate bodies where the constitution and bylaws so provide.

The elections in these intermediate bodies are to be conducted in accordance with the constitution and bylaws of such organizations insofar as they are not inconsistent with the provisions of this act.

K. Summary

1. Local union elections required by this act must be held by secret ballot.
2. All members in good standing have the right to vote, subject to reasonable rules, uniformly imposed.
3. Rules for voting eligibility must apply to all equally, and special classes of nonvoting members normally may not be created.
4. Notice of election must be mailed to each member in good standing to his last known address not less than 15 days prior to the election.
5. Ballots of each local must be counted and the results published separately.
6. All ballots, including used, unused and challenged ballots, envelopes used to mail in marked ballots, tally sheets, and related election documents, must be kept for 1 year.
7. Each candidate has the right to have an observer at the polls and at the counting of the ballots.

8. A member may not be penalized, disciplined, or improperly intertered with in the exercise of his right to support the candidate of his choice. Reprisals of any kind are not permitted.
9. Additional requirements may be prescribed by the constitution and bylaws of the organization so long as they are not inconsistent with the requirements of the act.
10. Elections of officers of intermediate or national and international labor organizations may be either by secret ballot of members or indirectly by officers of constituent locals or delegates elected by secret ballot. If the latter, the manner in which the delegates vote is regulated by the organization's own constitution and bylaws so long as they are not inconsistent with the requirements of the act.
11. Officers elected by secret ballot also may be voting delegates to intermediate or national and international bodies if the constitution and bylaws so provide.

L. Questions and Answers

QUESTION—Does hand delivery of the notice of the election constitute compliance with the notification provisions of the act?

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Answer —No. The act specifies that notice of the election must be mailed to the last known home address of all members not less than 15 days prior to the election. No other method of notification can be substituted for this requirement although additional means of notification may be used.

QUESTION—If a member of the union is working on a job away from home and is temporarily living away from home, is it permissible to mail the notice of election to him at his temporary address?

Answer —Yes. The law does not specify that the last known home address be the *permanent* home address. If it is more likely, for example, that a construction worker would receive a notice of election while at the rooming house where he lives temporarily than at his permanent home, the notice may be sent to the temporary address. Similarly, if it is more likely that a sailor would receive a notice of election while aboard a ship than at his permanent home, the notice may be sent to the ship.

QUESTION—Can the insertion of a notice of the election in a union newspaper which is mailed to the last known address of each member at least 15 days before the election be considered to satisfy this part of the act?

Answer —Yes, if the announcement is properly displayed so as to attract the attention of the members.

QUESTION—Does mailing the ballots to members in good standing to their last known addresses 15 days prior to the election constitute sufficient notice of the election?

Answer —Yes, providing the ballots include or are accompanied by a specification of the time and place of the election and of the offices to be filled.

QUESTION—In a labor organization in which dues are paid pursuant to a collective bargaining agreement by a checkoff system, can a member be refused the right to vote or hold office because his dues are allegedly late or unpaid?

Answer —No. A member in good standing whose dues are checked off by his employer pursuant to his voluntary authorization and to a collective bargaining agreement may not be disqualified from voting (or from being a candidate) by reason of alleged delay or default in the payment of dues.

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QUESTION—May an international union or intermediate body deny local unions with less than a stated number of members the right to be represented at conventions where officers are elected?

Answer —No. The act requires that such officers be elected "by secret ballot among the members in good standing or at a convention of delegates chosen by secret ballot." If such a policy denies small local unions the opportunity to participate in the election of officers, it violates the law.

QUESTION—Can a union refuse to accept write-in votes?

Answer —Yes, providing this provision is incorporated in the constitution and bylaws, and providing it does not have the effect of denying the guaranteed rights of the members. However, the act's provision that votes must be counted and the results published implies that such counting and reporting should account for all ballots cast in the election.

QUESTION—May a union be required to provide for absentee balloting by its members?

Answer —Yes. The act provides that each member is entitled to one vote. Where voting in person presents an unusual burden on a significant number of members—for example, where there is a considerable distance between the worksite and the polling place, or where the nature of the members' occupation, their hours of work, or the like, result in unreasonable difficulties in members reaching a central polling place, and if additional polling places are not provided—absentee balloting may be necessary in order to insure compliance with the act's requirement that each member in good standing shall be entitled to one vote.

QUESTION—Can the ballots be destroyed or mutilated as they are counted?

Answer —No. They must be kept for 1 year following the election by the election officials of the union. If no such officials have been designated, the secretary is to fulfill this function.

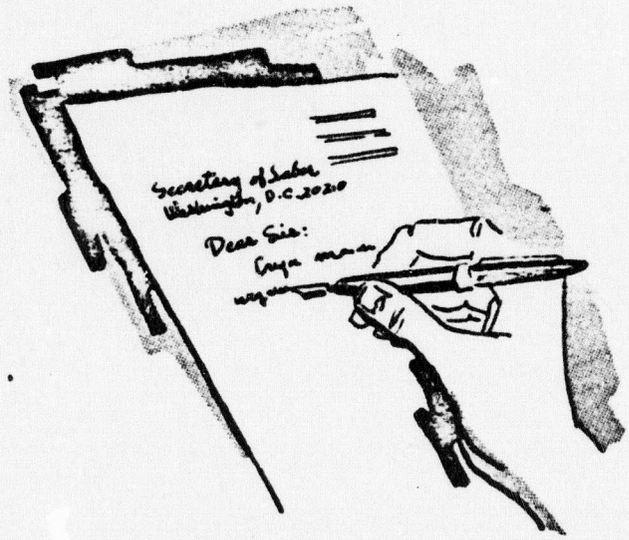
QUESTION—May a nonunion member be an elections observer?

Answer —A candidate is free to select a nonunion member as an observer if there is no union rule or regulation to the contrary.

QUESTION—Where there is more than one polling place and the polls are open all day long, may more than one observer be used?

Answer —Yes. Candidates may have an observer present at each polling place. There is no objection to having one observer relieve another if the polling hours are long. Furthermore, a candidate may have as many observers at the counting of the ballots as is necessary to observe the actual counting of the ballots, and to insure a fair election.

7 PROTESTING ELECTIONS



A. Any Member May File a Complaint

Any member of a labor organization may file a complaint with the Secretary of Labor alleging that any of the election procedures of title IV has been violated. Complaints should be in writing addressed to the Secretary of Labor and filed with the nearest area director of the Labor-Management Services Administration (LMSA) who is the Secretary's authorized agent in these matters. (A list of LMSA offices and their addresses is given in the back of this publication.) These complaints may include violations of the election provisions of an organization's constitution and bylaws, if these are not inconsistent with the act.

B. Available Remedies Must Have Been Invoked or Exhausted

Before a member files a complaint with the Secretary of Labor, one of the two following conditions must have been met:

1. The member must have exhausted the remedies

available to him under the constitution and bylaws of the organization and its parent body, *or*

2. The member must have invoked the remedies available to him under the constitution and bylaws of the organization and its parent body without obtaining a final decision within 3 calendar months after invoking them. If the union does not have specific election appeals procedures, the member must invoke whatever trial and appeals procedure is available under the constitution and bylaws of the union.

C. Timetable of a Complaint

If a member receives an unfavorable final decision within 3 calendar months after invoking his available internal union remedies, he may file a complaint with the Secretary of Labor. The complaint must be received by the Secretary of Labor or his authorized agents (e.g., LMSA representatives) within 1 calendar month after the member has received the unfavorable final decision.

If a member does not receive a final decision within 3 calendar months after invoking his available internal union remedies he may do either of the following:

1. File a complaint with the Secretary of Labor which must be received by the Secretary or his authorized agents (e.g., LMSA representatives) within 1 calendar month after the 3 calendar months period has expired.
2. Wait until he has exhausted the available remedies within his organization even though this may take more than 3 months. In this case, if the final decision is unfavorable, the complaint must be received by the Secretary or his authorized agents (e.g., LMSA representatives) within 1 calendar month after the member has received the unfavorable final decision.

D. The Role of the Secretary of Labor

The Secretary is required to investigate each complaint of a union election violation filed in accordance with the procedure outlined in sections 7B and 7C above. If he finds *probable cause to believe* that a violation has occurred and has not been remedied, the act provides that he shall bring a civil action against the labor organization in a Federal district court within 60 days after the complaint has been filed.

However, violations of the election provisions of the act which occurred in the conduct of an election held within the prescribed time limits of title IV, are not grounds for setting aside the election unless they "may have affected the outcome." Therefore, the Secretary will not institute court proceedings unless he finds, after investigating a complaint, probable cause to believe that the violations "may have affected the outcome of an election."

E. The Role of the Federal District Court

In any action brought by the Secretary of Labor as described above in section 7D, if upon a preponderance of evidence after a trial upon the merits, the Federal district court finds:

1. The election was not held within the time prescribed by title IV; *or*
2. A violation of title IV provisions "may have affected the outcome of an election,"

the law provides that the court shall declare the election void, and order the conduct of a new election under the supervision of the Secretary of Labor, insofar as is lawful and practicable, in conformity with the constitution and bylaws of the labor organization.

F. Validity of Challenged Elections

Elections challenged by a member are presumed valid pending a final decision. Until such time as an election is determined to be invalid, the law provides that the affairs of the organization shall be conducted by the elected officers or in such other manner as the organization's constitution and bylaws provide. However, after a suit is filed by the Secretary of Labor in a Federal district court, the

court has power to take appropriate action to preserve the labor organization's assets.

G. Violation of Title III—Trusteeship Standards

When a violation of the provision for election of delegates in unions under trusteeship (see sec. 3B above) is alleged, the procedure for complaint is governed by section 304 of the act. In some cases the complaint procedures under title IV of the act also may be applicable, such as the case where a trusteeship has been imposed as to part of the local union's functions, but an election of voting delegates to the parent union's convention is held in the local union. Section 304 directs the Secretary, upon the filing of a written complaint by any union member or subordinate union under trusteeship, to investigate alleged violations. If he finds probable cause to believe a violation has occurred, and has not been remedied, he shall bring a civil action in a U.S. district court for appropriate relief (including injunctions). Any such union member or subordinate union also may bring a civil action in a U.S. district court for appropriate relief (including injunctions).

8 RELATION OF TITLE I TO THE ELECTION PROVISIONS

Several provisions of title I pertain to elections. Particularly noteworthy in this connection are section 101(a)(1), on "Equal Rights"; section 101(a)(2), "Freedom of Speech and Assembly"; section 101(a)(4), "Protection of the Right to Sue"; section 101(a)(5), "Safeguards Against Improper Disciplinary Action"; and section 102, "Civil Enforcement". Any provision in the constitution and bylaws of any labor organization which is inconsistent with the provisions of section 101 is declared to be of no force or effect.

A. Equal Rights (Title I)

The *equal rights* provision of title I (sec. 101(a)(1)) states that every member of a labor organization shall have equal rights and privileges within such organization to nominate candidates, to vote in elections or referendums of the labor organization, to attend membership meetings, and to participate in deliberations and voting upon the business of such meetings, subject to the reasonable rules and regulations in the organization's constitution and bylaws.

B. Freedom of Speech and Assembly (Title I)

The section on *freedom of speech and assembly* (sec. 101 (a)(2)) states that every member of any labor organization shall have the right to meet and assemble freely with any members; and to express any views, arguments, or opinions; and to express at meetings of the labor organization his views, upon candidates in an election of the labor organization or on any business properly before the meeting, subject to the organization's established and reasonable rules pertaining to the conduct of meetings; provided that nothing in this section shall be construed to impair the right of the labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization as an institution and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations.

C. Protection of the Right To Sue (Title I)

The section on the *protection of the right to sue* (sec. 101-(a)(4)) states that no labor organization shall limit the right of any member thereof to institute an action in any court, or in a proceeding before any administrative agency, irrespective of whether or not the labor organization or its officers are named as defendants or respondents

in such action or proceeding, or the right of any member of a labor organization to appear as a witness in any judicial, administrative, or legislative proceeding, or to petition any legislature or to communicate with any legislator. The same section provides, however, that any such member may be required to exhaust reasonable hearing procedures (but not to exceed a 4-month lapse of time) within such organization, before instituting legal or administrative proceedings against such organizations or any officer thereof. It also provides that no interested employer or employer association shall directly or indirectly finance, encourage, or participate in, except as a party, any such action, proceeding, appearance, or petition.

D. Improper Disciplinary Action (Title I)

The section on safeguards against *improper disciplinary action* (sec. 101(a)(5)) states that no member of any labor organization may be fined, suspended, expelled, or otherwise disciplined (except for nonpayment of dues) by such an organization or by any officer thereof unless such member has been:

1. Served with written specific charges;
2. Given a reasonable time to prepare his defense;
3. Afforded a full and fair hearing.

E. Enforcement of Title I

Enforcement of title I rights as such (except rights under sec. 104) is limited to a civil suit in a district court of the United States by the person whose rights have been infringed. The Secretary of Labor is given no authority to enforce the rights of members, which are enumerated in title I with the exception of section 104 (which concerns the availability of collective bargaining agreements to employees whose rights are affected by such agreements).

In some cases, however, the remedies for infringements of title I may not be confined to private civil suits. The use of violence or threats of violence in connection with an infringement of title I may be a violation of section 610 (title VI). Section 610 makes it a crime to deprive a person of any rights under the act by use of violence or threats of violence. Complaints under this section of the act should be

brought directly to the Secretary's authorized agent (the nearest area director of the LMSA) or to the nearest U.S. attorney.

Section 102 of title I of the act includes the provision that a member seeking redress for denial of rights contained in title I may apply for an injunction. In the exercise of title I rights with regard to elections, if application for an injunction is made, it must be made *before* the election in question is held (see sec. 9 below).

Section 609 makes it unlawful for any union, its officials and employees to discipline any member for exercising the rights to which he is entitled under the act, either by expulsion, suspension, fine or otherwise. But section 609, like the title I rights discussed above, is enforceable by private civil suit only.

F. Summary

1. Sections of title I which have a bearing upon the election provisions (title IV) of the act are:
   (a) The guarantee of equal rights in nominating, voting, etc., subject to reasonable rules and regulations of the union's constitution and bylaws;
   (b) The guarantee of freedom of speech and assembly, the freedom to express views on candidates in an election subject to the union's established and reasonable rules in the constitution and bylaws;

(c) The protection of the rights to sue, to appear as a witness and to petition legislators, subject to invocation of reasonable hearing procedures within the union and subject to the prohibition against employer assistance in the exercise of such rights;

(d) The guarantee against improper disciplinary action by a union or any officer thereof;

(e) The right to seek redress in a Federal district court *before* the election is held.

2. Enforcement of these title I rights, however, is limited to civil suits brought in U.S. district court. The Secretary of Labor is given no authority to enforce these sections of title I, or section 609, which protects the exercise of the rights granted by the act to union members from union discipline. However, violations of section 610 (title VI), which prohibits deprivation of any person of any rights under the act by use of violence or threats of violence, are subject to criminal sanctions.

9 APPLICATION OF OTHER LAWS

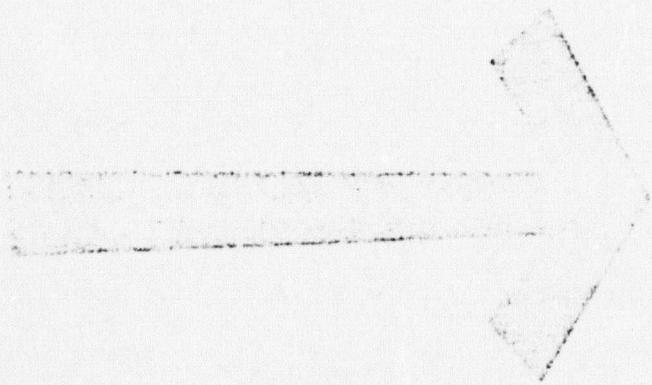
The election provisions (title IV) also state that unions shall not be required by law to conduct elections more often, or in a different form or manner than is provided in the act, or in the union's own constitution and bylaws if they are not inconsistent with the act.

Only the procedures provided in title IV may be followed in contesting an election which has already been held. However, existing rights and remedies to enforce the constitution and bylaws of a labor organization *before* an election are unaffected by title IV.

Except where explicitly provided to the contrary, nothing in the act shall take away any right or bar any remedy of any union member under any other Federal law or the law of any State.

ELECTION PROCEDURES CHECKLIST

—Make Your Own Inventory—



Can You Answer "Yes" for Your Labor Organization for All Questions?

☐ 1. Are elections held within the 3-, 4-, or 5-year limits prescribed by the act?

☐ 2. Do members receive reasonable opportunity for nominating, including notice of the:
- (a) Offices to be filled;
- (b) Time for submitting nominations;
- (c) Place for submitting nominations; and
- (d) Proper form for submitting nominations?

☐ 3. Do members have reasonable time to choose and nominate candidates?

☐ 4. Do all members in good standing have an opportunity to be nominated, subject only to reasonable qualifications uniformly imposed?

☐ 5. Are rules governing eligibility for nomination fair, reasonable, and uniformly imposed?

☐ 6. Do all candidates have equal opportunity to use membership lists, distribute literature, and campaign for office?

☐ 7. If there is a union shop, maintenance of membership, or similar agreement, do all bona fide candidates have opportunity to inspect membership lists of all members covered by such union security clause, once within 30 days of election?

☐ 8. Are no funds received from dues, assessments, or similar levy used to promote candidacy of any person? Are no employer funds so used?

☐ 9. Are all officers and all delegates to conventions at which they vote for officers elected by secret ballot?

☐ 10. Do all members in good standing have an opportunity to vote, limited only by reasonable rules uniformly imposed?

☐ 11. Are election notices mailed to members at least 15 days prior to elections?

☐ 12. Are candidates given the opportunity to have observers at each polling place and at the counting of the ballots?

☐ 13. Do members freely support candidates of their choice, without fear of reprisal?

☐ 14. Do election procedures conform to the constitution and by-laws, and are they consistent with the provisions of the act?

☐ 15. Are none of the elected persons barred under section 504(a) of the act from holding the office to which they were elected?

☐ 16. Are the ballots of each local counted and a report showing the vote by locals published separately in elections required to be held by title IV of the act?

☐ 17. Are ballots and other election records preserved for at least 1 year?

Information on the Labor-Management Reporting and Disclosure Act of 1959, as Amended, can be obtained at the U.S. Labor Department's Labor-Management Services Administration, Washington, D.C. 20210, or from the nearest area office of the Labor-Management Services Administration.

AREA OFFICES

ALABAMA
*Birmingham 35203
1800 Fifth Ave. N.

CALIFORNIA
Los Angeles 90012
300 N. Los Angeles St.
San Francisco 94102
100 McAllister St.

COLORADO
Denver 80205
1961 Stout St.

CONNECTICUT
*Hartford 06101
135 High St.

DISTRICT OF COLUMBIA
Washington 20210
1111 20th St. NW.

FLORIDA
Miami 33130
51 SW. First Ave.
*Tampa 33609
2104 S. Lois Ave.

GEORGIA
Atlanta 30309
1371 Peachtree St. NE.

HAWAII
Honolulu 96815
1833 Kalakaua Ave.

ILLINOIS
Chicago 60604
219 S. Dearborn St.

INDIANA
*Indianapolis 46204
36 S. Pennsylvania St.

KENTUCKY
*Louisville 40202
600 Federal Place

LOUISIANA
New Orleans 70130
600 South St.

MASSACHUSETTS
Boston 02108
110 Tremont St.

MICHIGAN
Detroit 48226
234 State St.
*Grand Rapids 49502
Ionia and Pearl Sts.

MINNESOTA
Minneapolis 55401
110 S. Fourth St.

MISSOURI
St. Louis 63101
210 N. Twelfth Blvd.
Kansas City 64106
911 Walnut St.

NEW JERSEY
Newark 07102
9 Clinton St.

NEW YORK
*Albany 12207
75 State St.
Buffalo 14202
111 W. Huron St.
New York 10019
233 W. 49th St.

NORTH CAROLINA
*Charlotte 28202
316 E. Morehead St.

OHIO
*Cincinnati 45202
550 Main St.
Cleveland 44199
1240 E. Ninth St.

*Resident Compliance Office.

OREGON
*Portland 97205
621 SW. Morrison St.

PENNSYLVANIA
Philadelphia 19107
1015 Chestnut St.
Pittsburgh 15222
1000 Liberty Ave.
*Wilkes Barre 18701
19 N. Main St.

PUERTO RICO
Santurce 00907
605 Condado Ave.

TENNESSEE
*Memphis 38103
167 N. Main St.
Nashville 37203
1808 West End Building

TEXAS
Dallas 75221
Bryan & Ervay Sts.
*Houston 77002
Fannin & Franklin Sts.

WASHINGTON
Seattle 98104
506 Second Ave.

Second Printing—March 1972

U.S. GOVERNMENT PRINTING OFFICE: 1972 O—459-992

DY:par
72-3882

By Hand

October 3, 1974

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marvin Schwartz, Esq.
243 Waverly Place
New York, New York 10014

Re: Hodgson v. International Organization of Masters, Mates and Pilots
72 Civ. 5031 (CBM)

Dear Mr. Schwartz:

Enclosed you will find responses to requests made during the course of the deposition of Brian P. O'Hanlon. Exhibits annexed thereto are denoted as "BPO".

Additionally, we are enclosing a list of individuals interviewed by the Department of Labor through Compliance Officer Gallioto. This is to supplement Exhibit "HB 6B" of the Addendum to the Berry Deposition.

May we remind you we are still awaiting the information requested during the course of the O'Callaghan and Lowen depositions, as well as the signed originals of the transcripts of said depositions. We trust you will have this information to us shortly as we requested in our September 13, 1974 letter.

To our dismay we note also that we have not received any responses to our interrogatories served on you May 17, 1973. May we please have your responses no later than October 15, 1974.

DY:mhr
72-3882 Marvin Schwartz, Esq.

October 3, 1974
Page 2.

To confirm our conversation of September 23, 1974 we would like to go forward with the depositions of Messrs. Nelson and Valenzi before the end of this month.

Perhaps this week we can arrange a mutually convenient time during the last two weeks of October.

We appreciate your cooperation.

Very truly yours,

PAUL J. CURRAN
United States Attorney

By: Dennison Young
DENNISON YOUNG, JR.
Assistant United States Attorney
Telephone No.: (212) 264-6266

Enclosures

DY:lq
72-3382
n-74

The following individuals were interviewed by Compliance Officer Gallioto of the New Orleans Area Office on the dates indicated:

	DATE
James Delvechio	4/14/72
Francis B. Ryan	4/14/72
Henry N. Stegall	4/12/72 & 5/8/72
Nicholas L. La Rocca	4/24/72
Cornelius F. Coyle, Sr.	4/27/72
Mrs. Kenneth M. Dowty	4/27/72
John Waldman	4/27/72
Fred Abbate	4/27/72
Thomas W. Young	5/5/72
Mark O. Bolding	4/24/72
Andrew U. Kerstens	5/2/72
Clair Dawson	5/2/72
George Vance	7/11/72
Paul W. Stallings	7/27/72
Jack A. Brickhouse	8/14/72
Aulis V. Saarinen	8/18/72

Order October 15, 1974

DI:ccc
72-3882

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

757a

JAMES D. HODGSON, Secretary of Labor
United States Department of Labor,

Plaintiff,

-v-

INTERNATIONAL ORGANIZATION OF MASTERS MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

ORDER

72 Civ. 5031 (CBM)

U.S. DISTRICT COURT FILED OCT 15 1974 S.D. OF N.Y.

The parties, by their attorneys, having appeared before me on October 3, 1974, and having discussed aspects of pre-trial discovery with respect to this action, and it appearing that 1) defendant has not yet supplied information to plaintiff requested during the depositions of Captain O'Callaghan and Captain Lowen, taken in May and June of 1974, 2) defendant has not yet responded to interrogatories served by plaintiff on May 17, 1973, and 3) defendant has agreed to produce for the purpose of taking depositions Robert H. Nelson and Joseph Valensi (members of the defendant's International Ballot Committee for the period covering the 1971 election of officers) during the week of October 21, 1974 at a mutually convenient time in the State of California, which depositions have been previously noticed and adjourned,

NOW, therefore, at the request of Paul J. Curran, United States Attorney for the Southern District of New York, attorney for plaintiff herein, it is hereby

ORDERED that defendant shall

1) supply to plaintiff no later than October 15, 1974 all information, documentary and otherwise, which plaintiff requested during the course of the depositions taken of Captain O'Callaghan and Captain Lowen;

MICROFILM
OCT 15 1974

DY:ccc
72-3882

2) respond fully by October 15, 1974 to plaintiff's interrogatories served on defendant May 17, 1973; and

3) produce Robert H. Nelson and Joseph Valensi at the office of the United States Attorney for the Central District of California (United States Courthouse, Room 1100, 312 North Spring Street, Los Angeles, California) for the purpose of taking depositions, at a mutually convenient time during the week of October 21, 1974.

Dated: New York, New York
October // , 1974.

CONSTANCE BAKER MOTLEY
United States District Judge

Addendum to O'Callagham Deposition

759a

U.S. DISTRICT COURT FILED OCT 13 1972 S.D. OF N.Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON, Secretary of Labor, U. S. Department of Labor,

Plaintiff,

-against-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES and PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendants.

72 Civ. 5031 (CBM)

The following statements and documents constitute defendant's additional responses to demands for information made by the plaintiff during the deposition of THOMAS F. O'CALLAGHAN herein.

Deposition Page(s)	No.	Response
171		Printing $1356.60 Distribution 1862.00 Total $3218.60 See Exhibit O'Cal. "A".
175-175		See Exhibit O'Cal. "B". 1) Lit. referred from Capt. Sheldon directly to AAA. 2) AAA 3) Sometime shortly prior to Nov. 9, 1971. 4) Sometime shortly after Nov. 9, 1971. 5) Mail distribution. 6) Mailing list in possession of AAA as the impartial ballot Agency.
179-180		See Exhibit O'Cal. "C".
184-187		See Exhibit O'Cal. "D".
188		See Exhibit O'Cal. "E".
190		Not yet available. To be provided at a later date.
212-213		See Exhibit O'Cal. "F".
233-235		Capt. O'Callaghan did not attend a Union meeting in Mobile, Ala. in Nov. or Dec., 1971.

Deposition Page(s) No.	Response
236-239	Nov. 26, 1971 - MM&P records indicate no contrary mailing date.
247,250-251	Ace Advertisers Service, Inc. 200 Hudson Street New York, New York 10013
251	R.C.R. Publications Globe Advance Mailing Inc. 125 W. 24th St. New York, N. Y. 10011
262	Defendant agrees to the stipulation proposed by Mr. Danas. See Exhibit O'Cal. "G".
262-263	1) ILA affiliation votes counted on November 23, 1971. See O'Cal. Exhibit "H" 2) Exhibit "E" was mailed out on Nov. 26, 1971.
278-279	1) Murry Weiss drew his last paycheck from the MM&P on May 26, 1970. He was not employed by the Union in 1971. His last known address was 10 Eastbrook Drive, River Edge, New York. See Exhibit O'Cal. "I". 2) Jerome B. Capp was appointed publicity consultant on June 11, 1970.
300	See Exhibit O'Cal. "J".
302-303	A search of applicable files and records uncovered no letter from Capt. O'Cal to Capt. Nelson such as that described.
304	A search of union files and records uncovered no letter from Capt. O'Cal to Capts. Stegal or Landry such as that described.
306	See Exhibit O'Cal. "L". Art. VI Sects. 1(e)(i) and (k) of the International Constitution.
311	We have uncovered no additional information regarding this question. If our continued search should reveal any pertinent news the plaintiffs will be so advised.
312	No such letter from Capt. O'Callaghan to Mr. Tannenbaum was recorded in Union files.

Deposition Page(s) No.	Response
313	1) See Exhibit O'Cal. "M". 2) See Exhibit O'Cal. "C".
316	APPROX. 15,000
317	In the General Executive Board Meeting of April 28, 1971, one of the items on the Agenda was a discussion of the issue of affiliation. We will continue to search for an earlier mention. See Exhibit O'Cal "M".
324	No additional information.

Exhibits A to M

A

60TH CONVENTION NEWSLETTER

762a

Newsletter-

Number of first class mailings— 13,437

Number of bulk mailings- — (6503) OPTION)

Who stuffed envelopes-

Which envelopes were used. MCALL'S machine insert

When mailing was made- 8/16/71 (1st class) (8/17/

Where mailing was made from Washington, B.C. Post Office

How was mailing list obtained. - Mailed to MCCALLS by STAT-- by order of H.E. (R.L.

Freight list obtained - Green sheet

Cost of first class mailing — $1,074.96

Cost of bulk mailing --- — 360.04

Cost of producing envelopes for mailing - (217.00 (PHOTO)

Cost of addressing envelopes — 210.00

COST OF PRINTING — 8 PAGE $1356.00

American arbitration association

[illegible] 51st STREET • NEW YORK, N.Y. 10020
(AREA CODE 212) 582-6020

B

(B)

763a

November 9, 1971

Marvin Schwartz, Esq.
243 Waverly Place
New York, New York 10014

Dear Mr. Schwartz:

RE: Election 13 50 38 71
International Organization of
Masters, Mates and Pilots

This will confirm our telephone conversation of November 8 with yourauthorizing the American Arbitration Association to mail the campaign literature referred to our office by Captain Lloyd Sheldon, one of the candidates for president in the pending election being administered for the International Organization of Masters Mates and Pilots. We will comply with this request and bill the union for this service.

This will further confirm our request for a $10,000 advance to enable us to make payments for work already undertaken and postage and for future dispersements as they arise. Enclosed you will find an invoice for this amount.

Will you kindly acknowledge receipt by signing and returning to us the attached carbon of this letter.

Very sincerely, yours,

Margaret Carlson
Election Director

MC:aap
Enclosure

officers

BOSTON • CHARLOTTE • CHICAGO • CINCINNATI • CLEVELAND • DALLAS • DETROIT • HARTFORD • LOS ANGELES • MIAMI • MINNEAPOLIS
NEW YORK • PHILADELPHIA • PHOENIX • PITTSBURGH • SAN DIEGO • SAN FRANCISCO • SEATTLE • SYRACUSE • WASHINGTON, D.C.

C

39 Broadway, Room 1712
New York 10006

764a

Mr. Howard Strahler
Wirth-Strahler & Son
106 South Frederick Street
Baltimore, Maryland 21202

Dear Howard:

Please send a copy of all bills paid by Captain O'Callaghan for campaign printing.

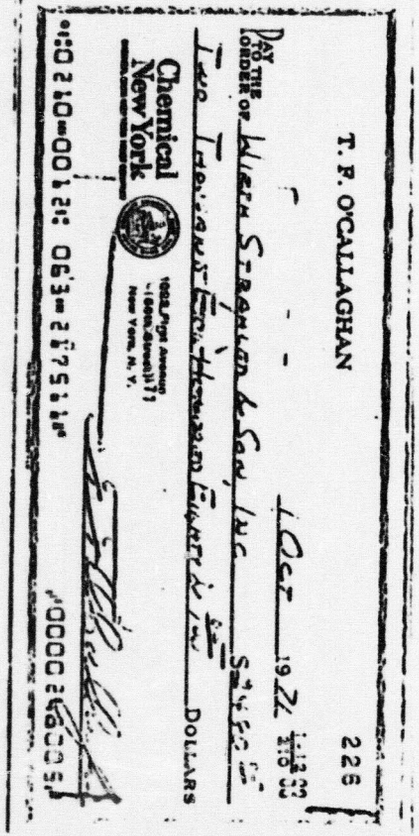
Sincerely,

Vera Watson

P. S. Also send bills that are due and owing for campaign printing, mailing, etc.

vw

AAA HANDLING	787.76
STAMPS (1ST MAILING)	893.63
STAMPS (2ND MAILING)	1350.00
PRINTING (4 ORDERS)	2480.05
	$5511.44



T. F. O'CALLAGHAN 226

PAY TO THE ORDER OF Wirth Strahler & Son, Inc. 10 Oct 19 71 $1250.00

One Thousand Two Hundred Fifty and 00/100 DOLLARS

Chemical New York

1082 Park Avenue (at 85th Street) New York, N. Y.

⑆021000021⑆ 013-2275 1⑈

0000 2 4 6 0 3 5

wirth strahler & son, inc.

106 south frederick street
baltimore, maryland 21202 • 752-4707

Our policy is to give unrivalled service to those who appreciate the finer things of the printer's art. . . . .

4

INVOICE

INVOICE DATE 9/30/71

SHIPPED TO

TO

Captain Thomas F. O'Callaghan

OUR ORDER NO.	YOUR ORDER NO.	SALESMAN	DATE SHIPPED	SHIPPED VIA	F. O. B.	TERMS
45996						

QUANTITY	DESCRIPTION	PRICE	AMOUNT
12,000	Letters, printed, folded and stuffed	$1250.00	$1250.00
			419.05
	TAX EXEMPT SHIPPED OUT OF STATE		501.00
			310.00
			2480.05
	FRIEDMAN!		
	Thank You!		

765a

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4

INVOICE

INVOICE DATE 9/30/71

SHIPPED TO

TO

Captain Thomas F. O'Callaghan

OUR ORDER NO.	YOUR ORDER NO.	SALESMAN	DATE SHIPPED	SHIPPED VIA	F. O. B.	TERMS
46013						

QUANTITY	DESCRIPTION	PRICE	AMOUNT
3700 2160	Letters, printed 2-sides, folded for #10 Env. #10 8¢ Stamped Env. stuffed	$419.05	$419.05
	TAX EXEMPT SHIPPED OUT OF STATE		
	~~San Francisco~~ N Y		
	Thank You!		

766a

PRINTED IN THE U.S.A.

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baltimore, maryland 21202 • 752-4707

Our policy is to give unexcelled service to those who appreciate the finer things of the printer's art. • • • • •

4

INVOICE

INVOICE DATE 9/30/71

SHIPPED TO

TO

Captain Thomas P. O'Callaghan

OUR ORDER NO.	YOUR ORDER NO.	SALESMAN	DATE SHIPPED	SHIPPED VIA	F. O. B.	TERMS
46015						

QUANTITY	DESCRIPTION	PRICE	AMOUNT
3700 2155	Letters, printed 2-sides, folded for #10 Env. #10 8¢ Stamped Env. stuffed	$501.00	501.00
	TAX EXEMPT SHIPPED OUT OF STATE		
	SAN FRAN.		
	Thank You!		

7673

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106 south frederick street
baltimore, maryland 21202 • 752-4707

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4

INVOICE

INVOICE DATE 9/30/71

SHIPPED TO

TO

Captain Thomas F. O'Callaghan

OUR ORDER NO.	YOUR ORDER NO.	SALESMAN	DATE SHIPPED	SHIPPED VIA	F. O. B.	TERMS
46014						

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1500	Letters, printed 2-sides, folded for #10 Env. 779 8¢ stamped Env. #10 stuffed	$310.00	310.00
	TAX EXEMPT SHIPPED OUT OF STATE		
	Paid		
	Thank You!		

768a

769a

T. F. O'CALLAGHAN 203

004 M.M.B.-N.Y. 7

22 Sept 1971 1-12/210 63

PAY TO THE ORDER OF CASH $787.76

SEP 22 1971

SEVEN HUNDRED EIGHTY SEVEN & 76/100 DOLLARS

Chemical New York — 1065 First Avenue (60th Street) New York, N.Y.

T. F. O'Callaghan

⑆021000021⑆ 063 217516⑈ ⑈00000787⑆

October 1, 1971

American Arbitration Association
140 West 51st Street
New York, New York

Att: Mrs. Margaret Carlson
Election Department

Gentlemen:

Enclosed please find Marine Midland Bank money orders #124161 for $126.96 and #124159 for $330.40, covering mailing of campaign literature to the full IOMM&P membership and special mailings to the membership of the Ports of San Francisco, Galveston and New York.

Very truly yours,

Thomas F. O'Callaghan
International President

TOC:vw
enc.

Bank Checks Made To
American Arbitration Assn.
2 Checks For $330.40 Each 660.80
1 Check For 126.96 126.96
$787.76

770a

MARINE MIDLAND MONEY ORDER

MARINE MIDLAND BANK
-NEW YORK

NO. 124138

DATE 10 OCT 19 71

PAY TO THE ORDER OF AMERICAN ARBITRATION ASSN

WHITEHALL OFFICE $330.00

39 B
NYC

NOT VALID OVER $1000.00

CUSTOMER'S COPY – NOT NEGOTIABLE

MARINE MIDLAND MONEY ORDER

MARINE MIDLAND BANK
-NEW YORK

NO. 124161

DATE 23 SEPT 19 71

PAY TO THE ORDER OF AMERICAN ARBITRATION ASSN

WHITEHALL OFFICE $125.00

39 B
NYC

NOT VALID OVER $1000.00

CUSTOMER'S COPY – NOT NEGOTIABLE

MARINE MIDLAND MONEY ORDER

MARINE MIDLAND BANK
-NEW YORK

NO. 124160

DATE Sept 23 19 71

PAY TO THE ORDER OF American Arbitration Assn

WHITEHALL OFFICE $500.00

2443 Golden Ave
Long Beach

NOT VALID OVER $1000.00

CUSTOMER'S COPY – NOT NEGOTIABLE

771a

DAA	Handling	787.76
Stamps	1st Mailing	893.63
Stamps	2nd Mailing	1330.00
Printing	(4 Orders)	2450.05
		$5,511.44

PAID

No

Baltimore, Md Sept 9 71

PAY TO THE ORDER OF Cash $ 1350.00

One Thousand Three Hundred Fifty & 00 DOLLARS

FOR Sept 20 71

UNION TRUST COMPANY
OF MARYLAND

T. F. O'CALLAGHAN

207

PAID

27 Sept 1971 63-210

PAY TO THE ORDER OF Cash $1350.00

One Thousand Three Hundred Fifty & 00 DOLLARS

Chemical New York
CHEMICAL BANK NEW YORK TRUST COMPANY

1023 First Avenue
(58th Street)
New York, N. Y.

T. F. O'Callaghan

International Organization
Masters, Mates & Pilots
39 Broadway, New York, N.Y. 10006/(212) 944-8505/Cable: BRIDGEDECK/Telex No.: 12-5858

772a

THOMAS F. O'CALLAGHAN
International President
WILLARD T. CALDWELL
International Executive Vice President
JOSEPH J. LOWERY
International Secretary-Treasurer

May 14, 1974

Dear Sir and Brother:

In accordance with the By-Laws of the Offshore Division nominations for elective office will again be open in June, 1974. As a member of IOMM&P, you will have the opportunity to nominate your representatives for the following elective port

NEW ENGLAND AREA
Boston - Port Agent (1)
Providence - Asst Port Agent (1)

PORT OF NEW YORK
Port Agent (Vice-Pres, Atl) and Convention Delegate (1)
Exec Asst Port Agent (1)
Asst Port Agent (4)

PORT OF BALTIMORE
Port Agent (1)
Asst Port Agent (2)
Asst Port Agent (Phila.) (1)

PORT OF NORFOLK
Port Agent (1)
Asst Port Agent (1)

PORT OF JACKSONVILLE
Port Agent (1)

PORT OF MOBILE
Port Agent (1)

PORT OF NEW ORLEANS
Port Agent (1)
Asst Port Agent (3)

PORT OF GALVESTON
Port Agent (Vice-Pres, Gulf) and Convention Delegate (1)
Asst Port Agent (1)

PORT OF HOUSTON
Port Agent (1)
Asst Port Agent (2)

PORT OF PORT ARTHUR
Port Agent (1)

PORT OF SAN FRANCISCO
Port Agent (Vice-Pres, Pac) and Convention Delegate (1)
Exec Asst Port Agent (1)
Asst Port Agent (3)

PORT OF WILMINGTON, CALIF.
Port Agent (1)
Asst Port Agent (2)

PORT OF SEATTLE
Port Agent (1)

PORT OF PORTLAND
Port Agent (1)

DELEGATES TO CONVENTION - as per Intl Constitution

Fraternally yours,

Thomas F. O'Callaghan
International President

TOC:vw

~~political opponents.* The present officers have served since the election of 1971. Thomas F. O'Callaghan, the current President, also served as President during the prior elective term commencing in 1969, and had been Secretary-Treasurer before then.~~

Referenda since the adoption of the 1970 Constitution have been as follows:

· Referendum in 1971 among the entire membership of the union, amending certain sections of the 1970 Constitution including an amendment to the Constitution constituting an affiliation of the Union with the International Longshoremen's Association. Although the existing Constitution authorized the General Executive Board to act on affiliations, the Union officials felt the matter to be of such importance that it was more properly to be submitted to the membership for their approval by referendum.

· A referendum is now being conducted among all the union's membership on additional amendments to the 1970 Constitution.

· Referendum in 1971 among the members of the former Pilots local creating the Pilots Division, and adoption of their By-laws.

· Referendum in 1971 among the members of certain former Inland Locals creating a partially formed Inland Division consisting of the West Coast and Pacific Regions thereof, and

---

~~*Lloyd Sheldon, the chief plaintiff in this lawsuit and the main witness who testified on behalf of the plaintiffs in this lawsuit before Judge Knapp, was a former President of the Union, who was defeated by the incumbent President, Thomas F. O'Callaghan not only in the 1971 election, but also in the prior 1969 Presidential election.~~

adoption of their By-laws.

. Referendum among the members of the Pilots Division on proposed amendments to their By-laws.

. Referendum among the members of the Offshore Division amending the Offshore Division By-laws and providing for a dues increase.

. Referendum among the Offshore Division members in 1973 on the ratification of the newly negotiated Master Offshore Division Collective Bargaining Agreement.]

~~In the elections case, the Secretary of Labor's answers to the Union's interrogatories are quite different from the purple prose in the Secretary's moving papers. It should be emphasized that the Union's election of all officers is run in the past and will be conducted by the American Arbitration Association. Furthermore, there never has been any allegation about any per se impropriety of the balloting. The only claim related to the decision not to open ballots that were postmarked. These ballots were subsequently opened at the insistence of the Secretary of Labor and did not change the result in a single instance.~~

~~As a further example, it is true at the [illegible] "The officials were guilty of using union funds.... [illegible] facts for such a somber legal conclusion consisted of the publication of a Convention newsletter that contained remarks of the President of the ILA which were adjudged to be campaign [illegible] for the incumbent officials.~~

~~Even if an immediate unwinding took place prior to the [illegible] question of the appeal, and the pre-1970 election procedures~~

BEST COPY AVAILABLE

F

CAPTAIN THOMAS F. O'CALLAGHAN

Number of Days Spent in NYC During the Period Between August 1, 1971 - December 1, 1971*

	August 1971	September 1971	October 1971	November 1971
Days in month	31	30	31	30
Working days	22	21	18	19
Days in NYC	12	16	12	9
Days out NYC	10	5	6	10

Total Number of Working Days: 80

Total Number of Days in NYC: 49

Total Number of Days out of NYC: 31

---

* Data extracted from office diary of MM&P.

(G) 776a

G

INTERNATIONAL ORGANIZATION of MASTERS, MATES & PILOTS

From the INTERNATIONAL SECRETARY-TREASURER & CAPT. ROBERT J. LOWEN

Ballots mailed 9/21/71

10/12 –	2479		
10/19 -	3022	(543)	7 days
10/22 -	3178	(156)	3 "
10/26 -	3350 -	(188)	4 "
11/3	3698	(348)	8 "
11/8	3836	(138)	5 "
11/11	4093	(257)	3 "
11/17	4340	(213)	6 "
11/19	4442	(142)	2 "
11/29	4760	(318)	10 "
12/3	4926	(166)	4 "
12/6	5038	(112)	3 "
12/8	5716	(678)	2 "
12/9	5755	(39)	1 "
12/10	5784	(68)	1 "
12/13	5808	(53)	2 "
12/14	5943	(135)	1 "
12/15	5969	(26)	1 "

G

MARITIME ADVANCEMENT, TRAINING, EDUCATION & SAFETY PROGRAM

Constitution ballots counted 11/23. [10,107 mailed 8/20]

Recd 5097

185 void

12/16	6019	(50)	6
12/17	6053	(34)	1 day
12/20	6230	(177)	3 "
12/21	6349	(119)	1
12/22	6404	(55)	1 final

347
6230
119
4644
6349
55

American Arbitration

777a

Date	Postage	Number of Env		Received by + Verified by
9/23/71	30	3		
9/24/71	1.10	11		
9/27/71	34.20	34 ✓	(76)	
9/28/71	28.10	281	645	
9/28/71	Rec'd w/postage	1	646	
9/29/71	24.90	249	895	
9/30/71	Rec'd w/postage	1	896	
9/30/71	30.70	307	1203	
9/30/71	Rec'd w/postage	✓	1204	
10/1/71	21.00 Rec'd w/postage	212 ✓	1417	
10/4/71	30.70	307	1724	
10/4/71	Rec'd w/postage	✓	1726	
10/5/71	14.00 Rec'd ✓	14 ✓	1868	
10/5/71	Rec'd w/postage	1	1869	
10/6/71	9.80	98	1967	
10/6/71	Rec'd w/postage	1	1968	
10/7/71	12.70	127		
10/7/71	Rec'd w/postage	1	2096	
10/8/71	12.90	129		
		1		
10/12/71	23.60	236		
	17	17	2479	
10/12/71	4.20	42		
10/12/71		10 ✓		
	1	1		
10/13/71	9.60	96		
10/13/71	11	11		

	Rec'd		
10/18/71	√0		
10/19/71	6√		
10/19/71	√		
10/20/71	60		
10/20/71	6		
10/21/71	71		
10/25/71	63	3178	
10/26/71	17√		
10/28/71	83		
10/29/71	√6		
11/1/71	107		
11/3/71	10√	3698	
11/4/71	√6	37√4	
11/5/71	82√	3836	
11/8/71	97	3933	
11/9/71	47	3980	
11/10/71	38	4018	
11/11/71	7√	4093	
11/12/71	60	41-√3	
11/15/71	9√	4√45	
11/16/71	60	43√	
11/17/71	√7	43√6	
11/18/71	44	4400	
11/19/71	4√	444√	
11/22/71	96	4538	

11/23/71	41	4579	
11/24/71	44	4623	
11/26/71	40	4663	
11/29/71	97	4760	
11/30/71	48	4808	
12/1/71	20	4828	
12/2/71	56	4884	
12/3/71	62	4946	
12/6/71	92	5038	
12/7/71	39	5077	
12/8/71	39	5116	
12/9/71	39	5155	
12/10/71	29	5184	
12/13/71	104	5288	
12/14/71	55	5343	
12/15/71	76	5419	
12/16/71	40	5459	
12/17/71	34	5493	
12/20/71	176	5669	
12/21	2	5732	
12/22/71	55	5788	
12/23/71	5	5793	
12/27/71	2	5795	
12/28/71	52	6347	

H

Question 15 — Blair #300162

AMERICAN ARBITRATION ASSOCIATION, ADMINISTRATOR

ELECTION DEPARTMENT

In the Matter of the Election	
INTERNATIONAL ORGANIZATION OF MASTERS MATES AND PILOTS - REFERENDUM	: CERTIFICATION OF RESULTS
13 50 0037 71	

A letter dated August 16, 1971 from Richard J. Polachek, Chairman of the Ballot Committee for Amendments, International Organization of Masters, Mates and Pilots, hereinafter referred to as the Union, authorized the American Arbitration Association, hereinafter called the Administrator, to conduct a Referendum Vote on Amendments to the Constitution of the Union in accordance with the standards for Election of the Administrator.

Eligibility was determined from lists provided for that purpose to the Administrator by the Union.

Ten thousand one hundred and seven (10,107) ballots were mailed by the Administrator to members of the Union on August 20, 1971. To be valid, all ballots had to be received by the Administrator no later than November 23, 1971.

The counting of the ballots took place at the American Arbitration Association, 151 West 51st Street, New York, New York on November 23, 1971 in the presence of members of the Ballot Committee and observers. The ballots were counted by Offshore Division; Pilots Division and Inland Locals. The Offshore and Pilots Divisions ballots were not counted by former locals but were co-mingled.

Of the five thousand and ninty seven (5,097) envelopes received one hundred and eighty five (185) were declared void and were not opened or counted for the following reasons:

5	Number on return envelope issued to a different voter.
13	No signatures on return envelope.
25	No identification on return envelope.
13	Duplicates
2	Deceased (no postmark on return envelope to determine date mailed)
8	Resigned
89	Suspended
10	Late

1970

NAME [illegible] EXEMPT [illegible]

ADDRESS [illegible] Eastbrook Drive Porter Edge NY 076

S. S. # [illegible] CLOCK # [illegible] SEX M SINGLE ☐ MARRIED ☐

DATE BORN [illegible] DATE EMPLOYED [illegible] HRS. per DAY [illegible] PER WK. [illegible]

POSITION [illegible] DATE TERMINATED [illegible] REMARKS [illegible]

RATE OF PAY: DATE [illegible] $ [illegible] PER [illegible] DATE [illegible] $ [illegible] PER [illegible]

– RECAPITULATION BY QUARTERS –

QTR.	EARNINGS	DEDUCTIONS F.O.A.	FED. W/HLDG.	STATE W. TAX	STATE DISAB.	CITY W. TAX	NET PAID
1ST							
2ND							
3RD							
4TH							
TOT.							

FIRST QUARTER - 19____

Payroll Period	REG. TIME Hours	REG. TIME Am't	OVERTIME Hrs.	OVERTIME Am't	EARNINGS	DEDUCTIONS F.O.A.	FED. W/HLD'G	STATE W. TAX	State Dis.	CITY W. TAX	TOTAL DED.	NET
1/2					314 52	[illegible]	70 20	13 80		2 70		207 69
1/9					314 52	[illegible]	70 20	13 80		2 70		207 69
1/16					314 52	[illegible]	70 20	13 80		2 70		207 69
1/23					629 64	[illegible]	140 40	27 60		5 40		456 24
					[illegible]	[illegible]	351 00	69 00		13 50		[illegible]
1/30					314 52	[illegible]	70 20	13 80		2 70		207 69
2/6					314 52	[illegible]	70 20	13 80		2 70		207 69
13					314 52	[illegible]	70 20	13 80		2 70		207 69
20					314 52	[illegible]	70 20	13 80		2 70		207 69
27					314 52	[illegible]	70 20	13 80		2 70		207 69
					[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]
3/6					314 52	[illegible]	70 20	13 80		2 70		207 69
13					314 52	[illegible]	70 20	13 80		2 70		207 69
20					314 52	[illegible]	70 20	13 80		2 70		207 69
27					314 52	[illegible]	70 20	13 80		2 70		207 69
					[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]
1st Qtr					[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]

SECOND QUARTER - 19____

Payroll Period	REG. TIME Hours	REG. TIME Am't	OVERTIME Hrs.	OVERTIME Am't	EARNINGS	DEDUCTIONS F.O.A.	FED. W/HLD'G	STATE W. TAX	State Dis.	CITY W. TAX	TOTAL DED.	NET
4/6					314 52	[illegible]	70 20	13 80		[illegible]		[illegible]
4/13					314 52	[illegible]	70 20	13 80		[illegible]		[illegible]
4/20					314 52	[illegible]	70 20	13 80		[illegible]		[illegible]
4/27					314 52	[illegible]	73 50	13 80		[illegible]		[illegible]
					[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]
5/4					314 52	[illegible]	70 20	13 80		[illegible]		[illegible]
5/11					314 52	[illegible]	70 20	13 80		[illegible]		[illegible]
5/18					314 52	[illegible]	70 20	13 80		[illegible]		[illegible]
5/25					314 52	[illegible]	70 20	13 80		[illegible]		[illegible]
6/1					[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]
					1597 10	[illegible]	357 00	[illegible]		[illegible]		[illegible]
2nd Qtr					[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]
6 MOS					[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		[illegible]

THIRD QUARTER - 19____

Payroll Period	REG. TIME Hours	REG. TIME Am't	OVERTIME Hrs.	OVERTIME Am't	EARNINGS	DEDUCTIONS F.O.A.	FED. W/HLD'G	STATE W. TAX	State Dis.	CITY W. TAX	TOTAL DED.	NET
6/30												

FOURTH QUARTER - 19____

Payroll Period	REG. TIME Hours	REG. TIME Am't	OVERTIME Hrs.	OVERTIME Am't	EARNINGS	DEDUCTIONS F.O.A.	FED. W/HLD'G	STATE W. TAX	State Dis.	CITY W. TAX	TOTAL DED.	NET

CERTIFIED PAYROLL SHEET NO. 88 FORM U.S. GOLDSMITH BROS., N.Y.C. & CO. 2-1960

(H)

7824

HODGSON V. IOMM&P
Re: Deposition of Capt. O'Callaghan

Maintenance of membership lists under the old Local/Port structure of the IOMM&P

OFFSHORE LOCALS

Local 4

Main Office:	Mobile, Alabama
Branches:	Tampa, Florida
Membership List Location:	Main Office - Mobile, Alabama

Local 5

Main Office:	Providence, Rhode Island
Branches:	None
Membership List Location:	Main Office - Providence, R.I.

Local 11

Main Office:	Boston, Mass.
Branches:	None
Membership List Location:	Main Office - Boston, Mass.

Local 14

Main Office:	Baltimore, Maryland
Branches:	Norfolk, Virginia Wilmington, North Carolina Savannah, Georgia Philadelphia, Pennsylvania Charleston, South Carolina
Membership List Location:	Main Office - Baltimore, Maryland

Local 15

Main Office:	New Orleans, Louisiana
Branches:	None
Membership List Location:	Main Office - New Orleans, Louisiana

Local 20

Main Office:	Galveston, Texas
Branches:	Houston, Texas Port Arthur, Texas
Membership List Location:	Main Office - Galveston, Texas

Local 24

Main Office:	Jacksonville, Florida
Branches:	Hollywood, Fla.
Membership List Location:	Main Office - Jacksonville, Fla.

Local 47

Main Office:	Cleveland, Ohio
Branches:	None
Membership List Location:	Main Office - Cleveland, Ohio

Local 88

Main Office:	N.Y., N.Y.
Branches:	None
Membership List Location:	Main Office - N.Y., N.Y.

Local 90

Main Office:	San Francisco, California
Branches:	Seattle, Washington Portland, Oregon Wilmington, California Honolulu, Hawaii
Membership List Location:	Main Office - San Francisco, California

body. They shall remain on the General Executive Board by virtue of their position as Vice President or Executive Officer of a subordinate body.

Section 12. Suspension and Removal of International and Subordinate Body Officers

a) *International Officers*—The General Executive Board shall have the power to suspend any International Officer from office by the two-thirds' pro rata majority vote of the entire Board. Immediately after any suspension, the General Executive Board shall submit a recall referendum ballot to the membership of the Organization which shall contain a description of the offense(s) and the approximate dates thereof.

If the majority vote of the membership approves the suspension action the suspended International Officer shall be deemed removed from office. If the majority vote of the membership disapproves the suspended action, the suspended International Officer shall be deemed fully restored to his office.

b) *Subordinate Body Officers*—The By-Laws of each subordinate body shall provide adequate procedures for the removal of its officers.

ARTICLE VI. AUTHORITY AND DUTIES OF INTERNATIONAL OFFICERS AND INTERNATIONAL SUBCOMMITTEE

Section 1. Duties of International President

It shall be the duty of the International President and he is hereby authorized to:

a) preside at all Conventions and General Executive Board meetings and shall have the deciding vote in case of a tie on any question.

b) grant dispensation authorizing subordinate bodies to organize and authorizing groups to operate until such time as they receive their charters with the approval of the General Executive Board.

c) appoint all representatives of the Organization to serve on International, National and local labor or professional organizations with which the Organization is affiliated, or programs which require Organization representation.

d) decide on all points of law, interpretations of the Constitution, and/or grievances submitted to him by the subordinate bodies, after consulting with International Counsel. When the International President makes a decision or interpretation and/or orders a subordinate body to observe the laws, rules and regulations and the subordinate body refuses, the subordinate body shall be subject to suspension or revocation of its charter with the approval of the General Executive Board.

⇒ e) be an ex-officio member of all committees.

f) supervise the affairs of the Organization acting to further the interests of the membership.

g) act as the Executive Officer of fully-formed Divisions and render services thereto.

h) accept a call to serve by the government of the United States if he believes that it is in the best interests of the Organization to accept. In such cases his position and remuneration with respect to the Organization shall continue. If such service is for more than thirty days it shall require approval of the General Executive Board by its majority vote.

⇒ i) direct that a referendum vote or a vote by membership meeting be held by the membership of any subordinate body on any matter, issue or proposition when he believes that the welfare of the membership of the subordinate body will be protected or enhanced by such action.

j) delegate to a person or persons the execution of such of his duties as he may decide; provided, however, that the responsibility of the International President as provided in this Constitution or by statute shall not be delegated.

⇒ k) supervise the other International Officers assigning them to such duties at such locations as in his opinion will permit the work of the Organization to be handled in the most efficient manner, providing such assignment shall not conflict with specific Constitutional duties of such other officers.

l) serve as the Editor of the official publication of the Organization, "The MASTER, MATE AND PILOT".

m) appoint such organizers, representatives, assistants, counsel, accountants and other professional personnel as he may require to assist him in the duties of his office and to fix their compensation, with the approval of the General Executive Board.

n) appoint a Trustee to take charge and control of the affairs of a subordinate body in accordance with applicable provisions of the Constitution and the approval of the General Executive Board for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures or otherwise carrying out the legitimate objectives of this Organization.

o) sign all official documents on behalf of the Organization and its subordinate bodies, when required.

p) attend and participate at meetings of subordinate bodies and to visit any vessel or work location at which members are employed.

q) make agreements with Employers binding a subordinate body when such body requests such assistance in negotiations, subject to ratification by the membership in accordance with the subordinate body's By-Laws.

r) designate the proper bargaining agent if two or more subordinate bodies negotiate for or seek representation of the same employees of a particular employer or association of employers.

Section 2. Duties of International Executive Vice President

It shall be the duty of the International Executive Vice President and he is hereby authorized to:

a) perform such duties as may be required of him by the International President.

b) preside at a Convention, General Executive Board Meeting or any meeting normally chaired by the International President when the latter is not able to perform such functions.

c) serve as the International President in the event a vacancy in that office occurs.

d) act as the Assistant Executive Officer of all fully-formed Divisions.

Section 3. Duties of International Secretary-Treasurer

It shall be the duty of the International Secretary-Treasurer and he is hereby authorized to:

a) receive all monies paid to the Organization and give an official receipt for same.

b) keep an accurate account of all monies received and disbursed and a separate account of all monies received from the subordinate bodies of the Organization. He shall keep an accurate list of all members of the Organization from the information which shall be furnished by the appropriate officer of each subordinate body showing the standing of each member with regard to such member's payment of dues, assessments and other monies required to be paid to the Organization.

c) render a complete report to the General Executive Board meeting and Convention giving a complete statement of membership

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New Orleans, La.
September 29, 1971

TO ALL MEMBERS OF FORMER NATIONAL PILOT LOCAL 100 WHICH IS NOW KNOWN AS THE PILOTS DIVISION OF THE IOMMP

Dear Brothers:

I ask for your "YES" vote in behalf of the men who have proved to me during the past tenure of their office that they are truly and wholly for only one system of pilotage and that is our present system of State Commissioned Pilotage, namely :

International President T. F. O'Callaghan

International Vice-President William M. Caldwell

International Secretary-Treasurer Robert J. Lowen

PILOTS DIVISION

Vice-President S. K. Sprada

East Coast Representative G. I. Smith

West Coast Representative Floyd E. Smith

Gulf Coast Representative Louis E. Miller

These Brother members of the Pilots Division did form the mechanics of Local 100 as set forth by the American Pilots' Association. They have spent much of their money and their time since its inception to help make it an integral and important segment of the IOMMP. Therefore, it is important that they now continue in their respective office whereby they can apply their past experience and knowledge towards the newly designated Pilots Division.

Again thanking you for a "YES" vote for all incumbents, I am

Fraternally yours,

S. K. Sprada

Members of former Local No. 20, IOMM&P.

Brothers;

I wish to express my feelings of gratitude to you, the members of former Local No. 20, for the trust and support you have always given me over the period of years that I have been Secretary-Treasurer of Local No. 20 and, later, Executive Assistant Port Agent, Galveston.

To be unopposed in an election may be a relief from the burden of a campaign to some candidates but I enjoy no such pleasure. Even though the paying job is secure, I am still a candidate for Convention Delegate and respectfully solicit your vote and support.

Further, and more important, is my concern for the Organization. In order for us to move ahead, the Constitution Amendments must be adopted so that we have the job, pension and welfare protection which is so necessary in preparing for the critical negotiations next year.

We need all the cooperation and horsepower we can get.

VOTE FOR ME AS A CONVENTION DELEGATE - AND VOTE FOR THE CANDIDATES WHO HAVE NOT JUST PROMISED BUT HAVE PROVEN THEIR ABILITY:

INTERNATIONAL PRESIDENT: THOMAS F. O'CALLAGHAN

INTERNATIONAL EXECUTIVE VICE PRESIDENT: WILLIAM M. CALDWELL

INTERNATIONAL SECRETARY-TREASURER: ROBERT J. LOWEN

OFFSHORE DIVISION VICE PRESIDENT (GULF), PORT AGENT, GALVESTON, CONVENTION DELEGATE: ROBERT L. JONES

EXECUTIVE ASSISTANT PORT AGENT, GALVESTON: CHARLES D. CONNALLY

PORT AGENT, HOUSTON: ROBERT N. POLUMBO

ASSISTANT PORT AGENT, HOUSTON: THOMAS D. NEUMANN

PORT AGENT, PORT ARTHUR: JAMES R. GIBLIN.

Fraternally,

Chas. D. Connally

Charles D. Connally

FOR INTERNATIONAL PRESIDENT

Captain Thomas F. O'Callaghan ☒

FOR INTERNATIONAL EXECUTIVE VICE PRESIDENT

Captain William M. Caldwell ☒

FOR INTERNATIONAL SECRETARY-TREASURER

Captain Robert J. Lewan ☒

- PLEASE VOTE -

THE FUTURE OF THIS UNION DEPENDS ON YOUR VOTE

A DOER AND A DON'TER

This election presents us with a clear cut choice. Captain O'Callaghan is a man of many achievements both in his present term of office as President of the International, when he was Secretary-Treasurer of the International, and before that when he was an official of Local 14. In all of these offices he has always taken positive steps to improve the position of the MM&P and its members. The MM&P affiliation with the ILA has given our organization some real muscle. This has already proven itself and will continue to do so in the future.

The maritime school now being built near Baltimore is almost entirely due to the efforts of Captain O'Callaghan. It is going to be one of the finest schools in the country. It is generally recognized throughout the world as an achievement of the MM&P. Its purpose will be to improve the skills of the Licensed Deck Officer and to train men in all the new technologies and innovations of our industry.

Captain O'Callaghan is responsible for the amendment of federal law which protects Masters by giving them a lien for their wages the same as all other crew members. Up to the time the law was amended huge sums of money were lost by our members while the crew was being paid in full.

We could go on listing Captain O'Callaghan's many achievements but we think we have made our point which is that O'Callaghan does not believe in standing still. He is constantly finding ways to elevate the position of the MM&P and its members in the maritime world. This is a tremendous task on the waterfront today when our enemies are trying to minimize our position.

When we consider the record of Captain Sheldon when he was in office, we are looking at a blank page. He sat in the President's chair and THAT WAS IT! In routine matters where he was compelled to act he was responsible for several fiascos. Every argument that he has attempted to make in this campaign is a criticism of Captain O'Callaghan. Sheldon does not make a good case for accomplishments of his own. Criticism is easy. Innovations and accomplishments are difficult.

Both candidates have served in the office for which they are now rivals. An examination of their records will substantiate what we have said in this letter. It all comes back to what we said at the beginning. Do we want a doer or do we want a don'ter? Do we want a man of action or a man who wears out the seat of his pants?

Sheldon has now been on pension for three years. Let us make his retirement a permanent assignment.

789a

258 Warrington Street
Providence, R. I. 02907
September 1, 1971

Dear Brother:

You are about the receive your ballot for the election of International Officers. As President of Local 5, Inland, and as Secretary-Treasurer of A. M. W. Local 5, I will take the liberty to recommend to you those candidates whom I believe are most qualified to guide our union for the next three years.

Captain Thomas F. O'Callaghan since taking office as President of our Organization, has shown a total and absolute dedication to promoting and advancing the aims and well-being of our members. He has withstood and turned back the many assaults on our jurisdiction and our contracts. His goal is to make the Masters, Mates and Pilots the Number One Organization in the Maritime Trades. I have been a member of the Executive Committee, Negotiating Committee, Conventions, and many other Committees, which Captain O'Callaghan has presided over. I have never seen him back down or give the slightest inkling of surrendering when the prestige of the Organization or the needs and benefits of the membership were involved. He has finally welded the Masters, Mates and Pilots into a strong and respected Union. With Tommy O'Callaghan on the bridge, I look forward to even better times, conditions, pensions and strength in the I. O. M. M. and P.

I urge you to vote the following slate of officers for the coming term.

International President	Thomas F. O'Callaghan
International Vice President	William M. Caldwell
International Secretary-Treasurer	Robert J. Lowen

For those of you in the Pilot Division, I recommend Captain S. K. Sprada for Vice President of the Pilot Division

Fraternally yours,

John F. Beirne

John F. Beirne

JFB:GPS

258 Warrington Street
Providence, Rhode Island 02907
September 1, 1971

Dear Brother:

You are about the receive a ballot for the first election since the reorganization of the Master, Mates and Pilots. I am a candidate for the office of Port Agent for the Port of Providence. Once again, as I have many times in the past, I solicit your vote for this office. I plege to you that if I am your choice again, I will continue to work, as I have in the past, for the betterment of the members of this port and for the membership as a whole.

The Masters, Mates and Pilots are now on the threshold of becoming the organization that will set the pace on board American vessels. Under the leadership of Captain O'Callaghan our days of "me too" are behind us. I am proud to say that I am a member of that team and hope to continue as such. To recall a few accomplishments, I was a member of the negotiating committees that conceived and founded the Pension and Welfare Plan, the Vacation Plans, higher pay, longer vacations and better working conditions.

I will also take the liberty at this time of recommending to you those candidates for International Office, who, in my opinion are most qualified. I solicit your vote for the following:

International President	Thomas F. O'Callaghan
International Vice President	William M. Caldwell
International Secretary-Treasurer	Robert J. Lowen

Captain O'Callaghan has in his short tenure of office successfully withstood the assaults of other Maritime Unions on our jurisdiction, rigidly enforced the contracts, welded the Masters, Mates and Pilots into a strong union and earned the respect of all members of the Maritime Trades. Once again, I ask you to vote the slate of

O'CALLAGHAN
CALDWELL
LOWEN
BEIRNE

Fraternally yours,

John F. Beirne

John F. Beirne

Open Letter to the Membership of former Local No. 20

Dear Sirs and Brothers;

The balloting on the Constitutional Amendments and the Election of Officers is, without doubt, the most important in the history of our Organization. Our Organization is presently going through a transition period - a transition from a series of autonomous Locals to an Offshore Division and a transition from a small independent Organization to an affiliate of the largest and most powerful maritime labor group. Expert and seasoned leadership must be maintained.

A firm foundation has been laid for the Offshore Division. The building of a structure on this foundation is in progress. A most important part of this structure is the formation, by affiliation, of the Marine Division of the International Longshoremen's Association, AFL-CIO. The affiliation of the MM&P and the ILA received the blessings of the AFL-CIO Executive Council and all other connected Unions with the exception of certain Maritime Unions which, incidentially, also have chartered splinter groups of Masters and Licensed Deck Officers. The affiliation, which some Unions do not wish us to have, at present benefits only MM&P and ILA members. The door is open, however, for other Maritime Unions to come into the Marine Division of the ILA. Automation is closing the engine room, shutting down the Radio Operator's key and reducing the need for the Unlicensed. Others are looking for a place on the bridge or, better yet, vessels manned from top to bottom by one Union and with a sweetheart contract that reduces the need for certain Licensed Deck Officers.

Cannibalism exists in the maritime field today - the best example being the Prudential-Grace beef. Behind MM&P picket lines, the S/S LASH ITALIA was manned with a Master and Licensed Deck Officers from the MEBA's District 1 Tanker Officers' Association and the other vessels were manned by the NMU's Brotherhood of Marine Officers. It was only with the able assistance of the top Officials and the membership of the ILA that the MM&P was able to obtain a satisfactory agreement and retain this fleet under contract.

It is no secret that an Official of the MEBA has printed and circulated propaganda against the affiliation and the present MM&P Officials. It is very plain that others want the jobs now held by the MM&P. The membership's jobs must be protected for if these jobs go to others so goes our Pension and Welfare benefits. We will protect the jobs of the membership but we need the membership's support by their voting FOR the Constitutional Amendments and for the incumbent Officials.

Our qualifications speak for themselves - over sixty years' combined experience in leadership, a thorough knowledge of the Constitution, Offshore Division By-Laws, Contracts, Pension and Welfare regulations; procedures so necessary for the efficient operation of the Organization and a record of working at all times for the best interests of the membership. We were among the leaders in setting up the Division system in the Organization and staunch supporters of the affiliation with the ILA.

Any candidate can make flowery promises for the future but what he has contributed to the Organization in the past is an important factor for any candidate. We make no campaign promises as window dressing to get votes. We do pledge, however, that we will continue to work for the best interests of the membership and the Organization in effectuating improvements, with unity of Contracts and Pension and Welfare and Vacation Plans on all Coasts.

We are recommending a slate of candidates in this election. This slate includes candidates for International Offices who, we feel, have the best qualifications and the experience so necessary to lead our Organization during this important transition period. Our recommended slate is as follows:

INTERNATIONAL PRESIDENT
Thomas F. O'Callaghan

INTERNATIONAL EXECUTIVE VICE PRESIDENT
William M. Caldwell

INTERNATIONAL SECRETARY-TREASURER
Robert J. Lowen

OFFSHORE DIVISION, VICE PRESIDENT (GULF)
PORT AGENT, GALVESTON - CONVENTION DELEGATE
Robert L. Jones

EXECUTIVE ASSISTANT PORT AGENT, GALVESTON
Charles D. Connally

PORT AGENT, HOUSTON
Robert N. Polumbo

ASSISTANT PORT AGENT, HOUSTON
Thomas D. Neumann

PORT AGENT, PORT ARTHUR
James R. Giblin

We respectfully request your support on the Constitutional Amendments and the slate of Officers as submitted. Your vote is a solemn confidence we shall never violate.

Fraternally yours,

PORT OF GALVESTON:

Robert L. Jones, Candidate for Vice President (Gulf), Port Agent, Galveston - Convention Delegate

Charles D. Connally, Candidate for Executive Assistant Port Agent, Galveston and Convention Delegate

PORT OF HOUSTON:

Robert N. Polumbo, Candidate for Port Agent, Houston and Convention Delegate

Thomas D. Neumann, Candidate for Assistant Port Agent, Houston and Convention Delegate

PORT OF PORT ARTHUR

James R. Giblin, Candidate for Port Agent, Port Arthur and Convention Delegate

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JOIN JONES and VOTE the EXPERIENCED SLATE

INTERNATIONAL PRESIDENT
Thomas F. O'Callaghan

INTERNATIONAL EXECUTIVE VICE PRESIDENT
William M. Caldwell

INTERNATIONAL SECRETARY-TREASURER
Robert J. Lowen

OFFSHORE DIVISION, VICE PRESIDENT (GULF)
PORT AGENT, GALVESTON - CONVENTION DELEGATE
Robert L. Jones

EXECUTIVE ASSISTANT PORT AGENT, GALVESTON
Charles D. Connally

PORT AGENT, HOUSTON
Robert N. Polumbo

ASSISTANT PORT AGENT, HOUSTON
Thomas D. Neumann

PORT AGENT, PORT ARTHUR
James R. Giblin

ELECT AN EXPERIENCED OFFICIAL

VOTE FOR

ROBERT L. JONES

OFFSHORE DIVISION, VICE PRESIDENT (GULF)
PORT AGENT, GALVESTON - CONVENTION DELEGATE

WHY TAKE CHANCES - RE-ELECT DEDICATED
EFFICIENT - AND EXPERIENCED LEADERSHIP

Dear Sirs and Brothers;

In seven consecutive elections you, the membership of Local No. 20, have afforded me the honor of being your President. As your President, I dedicated myself to leadership and service to the membership on both the Local and International levels. Under my leadership, Local No. 20 moved out of the doldrums and into the mainstream of the M.M.&P., emerging as one of the most democratic and progressive Locals in the Organization. The membership played a leading role in the merger of all Offshore Locals and the formation of the Offshore Division.

The other Officials of Local No. 20 and I began a three year term on January 1, 1970. At the Constitution Convention three weeks later, all agreed to forego the three year term and run for re-election in 1971; provided, however, that the International Constitution and Offshore Division By-Laws were adopted. On October 1, 1970, the titles of the Officials were changed and on January 1, 1971 Local No. 20 became a part of the Offshore Division. On April 28, 1971 the membership of Local No. 20 again took the lead and became the first Local to transfer all of it's assets to the Offshore Division.

The Delegates to the Constitution Convention gave me the honor of being the first Offshore Division Vice President for the Gulf District and, further, that only in this first election would the position of Vice President (Gulf) go with that of the Port Agent of Galveston. Had I not been fully qualified I am sure that the Convention would have made a different choice in the matter.

The office of Offshore Division Vice President - Port Agent, Galveston has given me a greater responsibility than that of President of Local No. 20. As Vice President, I coordinate the activities of the Port Agents and Assistant Port Agents in the Gulf; am a member of the International General Executive Board, the Offshore Division Executive Council and Convention Delegate. These are the top policy making bodies in the Organization and second only to a membership referendum.

By virtue of appointment, I hold the office of Trustee on the Pension, Welfare, Vacation and Tanker Vacation Plans. The sixteen years I have served on the Plans reflect an aggressive record of introducing and pursuing the adoption of vast improvements in the benefits for the membership and their dependents. We must keep these Trusteeships in Texas. I am the only candidate that can make this guarantee as vacancies are filled only by the Offshore Division Executive Council.

As Port Agent, I am responsible for the efficient and orderly conduct of business within the Port's jurisdiction. When not on business elsewhere, I work and remain in the office so that I am available at all times. I shall not spend the Union's time going from Port to Port boarding vessels and campaigning for office. I do not solicit, nor will I accept, any aid whatsoever from any source other than the membership of the MM&P. I make no campaign promises that I cannot keep just for the sake of votes.

My program is to work to make our Organization stronger; to maintain the highest trade union standards; afford job protection and increase job opportunities. The door is being opened to China and our affiliation with the I.L.A. will help bring much of the trade under the American Flag.

Our Organization comes first - make sure you vote FOR the Constitution Amendments - then vote FOR experienced leadership. Now is not the time to let "George" do it. "George" just may not care about your job; your Pension, your Welfare or the Organization.

I make no claim to being a Ship's Master. However, I do pride myself on being a first-class Union Official and Licensed Deck Officer and respectfully solicit your vote.

With best wishes and kindest personal regards.

Fraternally,

Robert L. Jones
Candidate for Re-election

VOTE VOTE VOTE VOTE VOTE VOTE VOTE

VOTE VOTE VOTE VOTE VOTE VOTE VOTE

VOTE VOTE VOTE VOTE VOTE VOTE VOTE

CANDIDATES FOR INTERNATIONAL OFFICE

(VOTE FOR ONLY ONE PERSON FOR EACH OFFICE)

INTERNATIONAL PRESIDENT

☐ Robert Louis Wright

☐ Lloyd M. Stebbins

☒ Thomas F. O'Brien

INTERNATIONAL EXECUTIVE VICE PRESIDENT

☐ George Tobin

☒ William M. Caldwell

☐ James E. Towne

INTERNATIONAL SECRETARY-TREASURER

☒ Robert J. Lowen

☐ George T. Baker

☐ Charles E. Hayward

(OVER PAGE)

Dear Sir & Brother:

Your International President urges you to vote for Captain Larsen as Offshore (Pacific) Vice President and Port Agent of San Francisco. Captain Larsen's election is crucial to the stability, the unity and the progress of the West Coast ILWU&SP and the International Union as well.

Bill Larsen is an outstanding Labor negotiator, an architect of many of the advanced plans and programs in behalf of the West Coast membership. He has been and is now active in West Coast Labor and civic maritime organizations, enjoying the respect and confidence of both rank and file Labor, Labor Leaders, and management. His credentials as a unifier, consolidator and Labor Leader are clear and verified.

I personally give unqualified endorsement to his candidacy on the basis of service to the union, integrity of character and top-drawer ability. Larsen's leadership is a vital necessity both for the West Coast and the International Union.

A vote for the election of Captain Larsen as Offshore (Pacific) Vice President and San Francisco Port Agent is a demonstration of confidence in the International Organization, its programs and its principles.

Vote for the experienced and proven Union Officials. Negotiations are just around the corner and "on-the-job training" has no place at the negotiating table.

The total team that is proven and that will work fully in the interest of the membership of the ILWU&SP is marked [X] for your approval.

Fraternally yours,
T. P. O'Callaghan,
International President, ILWU&SP

VICE-PRESIDENT, OFFSHORE DIVISION (Pacific)
PORT AGENT (SAN FRANCISCO) & CONVENTION DELEGATE
(VOTE FOR ONE)

- ☐ Harry Bridges
- ☐ Jack Hall, Jr.
- ☒ Brian A. Larsen

EXECUTIVE ASSISTANT PORT AGENT (SAN FRANCISCO)
(VOTE FOR ONE)

- ☒ George M. Tuttle, Jr.
- ☐ Richard A. Shaw
- ☐ George Demmate
- ☐ Raymond A. Ward, II
- ☐ Virgil G. Valentine

ASSISTANT PORT AGENT No. 1 (SAN FRANCISCO)
(VOTE FOR ONE)

- ☐ George A. Perry
- ☒ Lloyd M. Mervin

ASSISTANT PORT AGENT (SAN FRANCISCO)
(VOTE FOR TWO)

- ☐ David F. Pratt
- ☒ Edward M. Caldwell
- ☐ Roger E. Wrightwood

DISPATCHER (SAN FRANCISCO)
(VOTE FOR ONE)

- ☐ Thomas Orr
- ☐ Harold C. Hammond
- ☐ Henry E. J. Duggan
- ☒ W. E. Jackson

PORT AGENT (SEATTLE)
(VOTE FOR ONE)

- ☐ Walter C. Pierce
- ☐ Frank E. Cole
- ☐ Martin Jones
- ☒ H. J. "Chuck" Lawson
- ☐ James E. Rosenfield

PORT AGENT (PORTLAND)
(VOTE FOR ONE)

- ☒ Charles W. Wallace
- ☐ Lester F. Fabian
- ☐ Thomas E. Thomas
- ☐ S. E. Shaw
- ☐ Roy C. Perry
- ☐ Arthur C. "Curly" Barnes
- ☐ Norman Ralph

PORT AGENT (WILMINGTON)
(VOTE FOR ONE)

- ☐ Edward L. Wheeler
- ☐ Frank Ivens
- ☐ Robert T. Ross
- ☒ Henry C. "Hank" Walther
- ☐ Roy W. Hughes
- ☐ Theodore R. Lawrence

ASSISTANT PORT AGENT (WILMINGTON)
(VOTE FOR ONE)

- ☐ Robert L. Edwards
- ☐ Dave Parsons
- ☐ Louis A. Vickery
- ☐ Arthur J. Wright
- ☐ W. A. Wiley
- ☐ William "Bill" Wood
- ☐ Frank L. Allen
- ☒ John Garay
- ☐ Jerome L. Sawyer

CANDIDATES FOR CONVENTION DELEGATE
(VOTE FOR FOUR)

☒ H. J. "Chuck" Lawson	☐ Edward L. Wheeler	☒ Charles W. Wallace	☐ George Gladel
☐ Frank E. Cole	☐ Thomas E. Ivens	☐ Jack T. Hagerman	☐ Lawrence Gomez
☐ Alex Fraser	☐ Richard C. Shaw	☐ Frank Ivens	☐ Theodore R. Lawrence
☐ Frank L. Allen	☐ Henry C. "Hank" Walther	☐ James A. Crawford	☐ W. E. Wiley
☒ William M. Caldwell	☐ Virgil G. Valentine	☐ Richard Kay	☐ William "Bill" Wood
			☒ Edward M. Caldwell

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INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS

AFFILIATED WITH AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
INTERNATIONAL TRANSPORTWORKERS' FEDERATION ⚓ RAILWAY LABOR EXECUTIVES' ASSOCIATION
FOUNDED 1880

THOMAS F. O'CALLAGHAN
INTERNATIONAL PRESIDENT

CHARLES M. CROOKS
SECRETARY-TREASURER

WILLIAM M. CALDWELL
VICE PRESIDENT

25 BROADWAY
NEW YORK, N. Y. 10006
WHITEHALL 4-6500
⚓
Cables: BRIDGEDECK

May 7, 1971

TO ALL PORT OFFICES (Offshore, Inland, Pilot, and AMW)

Re: Minutes of General Executive Board meeting, April 28, 1971

Dear Sirs and Brothers:

Enclosed please find copy of minutes of the General Executive Board meeting in Miami Beach, Florida, April 28, 1971.

Fraternally yours,

Captain Robert J. Lower
International Secretary-Treasurer

RJL:vw

enc.

General Executive Board
diLido Hotel
Miami Beach, Florida
April 28, 1971

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The first meeting of the General Executive Board convened in Venetian Room-A of the diLido Hotel, Miami Beach, Florida, at 10:00 A. M., on Wednesday, April 28, 1971. Roll call indicated the following attendance:

International President Thomas F. O'Callaghan (Chairman); International Executive Vice President Wm. M. Caldwell; Assistant to International President Robert J. Lowen; Offshore Division Vice President (Atlantic) Joseph B. Gaier; Offshore Division Vice President (Gulf) Robert L. Jones; Acting Offshore Division Vice President (Pacific) O. A. Larson for Robert E. Durkin who is on West Coast Negotiating business; Pilots Division Vice President S. K. Sprada; Lester L. Reynolds, Local 6; A. J. C. Egle, Local 30, and Marvin Schwartz, International Counsel.

Also present: Kenneth P. Camisa, Director of Research; Vera Watson, Office Secretary.

R. J. Lowen read the minutes of the International Subcommittee meeting held March 15, 1971 in San Francisco. M/S/C unanimously to accept same.

Agenda Item #1 - International Secretary-Treasurer

Chairman O'Callaghan read the following resolution and stated that the International Office recommends adoption of same:

> BE IT RESOLVED, that in accordance with the International Constitution of the IOMM&P, the vacancy in the office of International Secretary-Treasurer be filled by Captain Robert J. Lowen who is presently Assistant to the International President.

M/S/C unanimously to adopt this resolution.

Agenda Item #2 - International Audit

The audit of the International Organization of Masters, Mates and Pilots for the year ending December 31, 1970 was distributed to each delegate. Chairman O'Callaghan announced that a copy would be sent by mail to each of the ports and subordinate bodies not in attendance at this meeting of the General Executive Board.

Agenda Item #3 - Editorial Board

The Chairman called for nominations to the Editorial Board. M/S/C unanimously that the following be elected by acclamation:

Offshore Division - R. J. Soriano
Inland Locals - L. L. Reynolds
Pilots Division - S. K. Sprada.

Agenda Item #4(a) - Investigation of Local 47

After listening to Chairman O'Callaghan's report of the situation between Local 47 and the International, it was moved, seconded and carried unanimously to adopt the following resolution:

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BE IT RESOLVED, that the International President or any person or persons he may designate, shall investigate the books and affairs of Local 47, and

BE IT FURTHER RESOLVED, that all officials of Local 47 shall render all required assistance to facilitate such examination, and

BE IT FURTHER RESOLVED, that refusal of said officials to cooperate shall be grounds for removal by the Organization.

Agenda Item #4(b) - Authorization for legal procedures on the Great Lakes

M/S/C unanimously to adopt the following resolution:

BE IT RESOLVED, that whatever litigation is necessary be instituted on behalf of the Organization to protect the rights, powers and jurisdiction of the International on the Great Lakes and Rivers.

Agenda Item #5 - Appeal from West Coast re meetings

International Secretary-Treasurer Robert J. Lowen read the correspondence submitted in this appeal by Bro. Virgil Valentine. Acting Offshore Vice President (Pacific) Larson read from the minutes of the January 13, 1971 membership meeting in San Francisco, to show that the meeting was not "adjourned", as Bro. Valentine indicated in his correspondence.

M/S/C unanimously to deny the appeal of Bro. Valentine and to refer the matter to the Convention.

Agenda Item #6 - Honorary Membership for Retirees

M/S/C unanimously that, inasmuch as there is no provision in the International Constitution for honorary membership and withdrawals, the matter be referred to the Convention.

Agenda Item #7 - Recognition of Charles M. Crooks' service to the Organization

M/S/C unanimously that a recommendation be made to the MM&P Welfare Plan to establish a scholarship fund in the name of Charles M. Crooks, for dependents of living and deceased IOMM&P members, and to recommend to the Trustees of the M.A.T.E.S. Plan that one of the buildings in the M.A.T.E.S. School be named in memory of our late Brother Charles M. Crooks.

Agenda Item #8 - ILA affiliation

Chairman O'Callaghan explained the facts of the matter of IOMM&P affiliation with the International Longshoremen's Association. After lengthy discussion, Chairman O'Callaghan announced that Mr. Ted Gleason, President of the ILA, would address the Board in the afternoon session.

Report of IOMM&P participation at the ILWU meeting in Hawaii during the week of April 19, 1971

International Executive Vice President William M. Caldwell, who attended this meeting for International President O'Callaghan, reported his views of the meeting and, among other things, stressed it was definitely beneficial to IOMM&P to have representation at this meeting, at which ILA President Ted Gleason was also present. The Vice President's report was received and accepted by the Board.

Meeting recessed for lunch at 12:20 P. M.

****

Meeting reconvened at 2:00 P. M. The delegates to the Offshore Division meeting had been invited to attend this session.

Chairman O'Callaghan introduced honored guests, Mr. Thomas W. Gleason, President, ILA, and Mr. William Murphy, Vice President, ILA. On completion of his address to those attending this meeting, Mr. Gleason received a standing ovation from all, many of whom had individually expressed their appreciation of the ILA support of the IOMM&P.

(Mr. Gleason and Mr. Murphy then left meeting.)

M/S/C unanimously to adopt the following resolution:

BE IT RESOLVED, that the International Organization of Masters, Mates and Pilots accepts the charter of affiliation from the International Longshoremen's Association as the International Marine Division of the I.L.A.;

The International Subcommittee shall meet with the duly appointed I.L.A. Committee and prepare the necessary terms and provisions of the Agreement for the Affiliation of the IOMM&P and the ILA;

The International Subcommittee is authorized to sign and effectuate the agreement for the affiliation;

The Agreement for the Affiliation shall be submitted for ratification to the next meeting of the General Executive Board.

Chairman O'Callaghan announced that the newly-elected Editorial Board would meet at 9:30 A. M. on Thursday, April 29, to arrange for the use of the Organization's publication by the candidates in the forthcoming elections.

Chairman O'Callaghan then announced that all delegates, wives, and friends were invited to cocktails and dinner in honor of Mr. Ted Gleason at the Embers Restaurant, at 6:00 P. M.

Meeting adjourned at 4:00 P. M.

****

BCL:slc
72-3882
D-19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON, Secretary of Labor, United States Department of Labor,

Plaintiff,

- v -

INTERNATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS, AFL-CIO,

Defendant.

NOTICE TO TAKE DEPOSITION

72 Civ. 5031 (CBM)

FILED
U.S. DISTRICT COURT
S.D. OF N.Y.
Oct 22 10 51 AM '74

S I R :

PLEASE TAKE NOTICE that pursuant to Rule 26, et seq., of the Federal Rules of Civil Procedure, plaintiff will take the depositions of defendant by R.J. "Rupe" Soriano and Lester Reynolds before a notary public or some other officer authorized by law to administer oaths, commencing the 5th day of November, 1974 at 10:30 in the forenoon in the office of Assistant United States Attorney Charles Mansfield, which is located in the offices of the United States Attorney, 1012 United States Courthouse, Fifth and Spring, Seattle, Washington. The said depositions will be continued from day to day until complete. The said witnesses are hereby notified to bring with them and produce at the time and place aforesaid, any and all documents and/or records, and any other materials relating directly or indirectly to the above-captioned matter. You are invited to attend and cross-examine.

Dated: New York, New York
October 21, 1974

Yours, etc.

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: Bobby C. Lawyer
BOBBY C. LAWYER
Assistant United States Attorney

31

BCL:slc
72-3882
D-19

802a

Office and Post Office Address:
United States Courthouse
Foley Square
New York, New York 10007
Telephone No.: (212) 791-1968

TO: Marvin Schwartz, Esq.
243 Waverly Place
New York, New York 10014

803a

BCL:slc
72-3882
D-19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON, Secretary of Labor, United States Department of Labor,

Plaintiff,

- v -

INTERNATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS, AFL-CIO,

Defendant.

NOTICE TO TAKE DEPOSITION

72 Civ. 5031 (CBM)

OCT 22 10 51 AM '74
S.D. OF N.Y.

S I R :

PLEASE TAKE NOTICE that pursuant to Rule 26, et seq., of the Federal Rules of Civil Procedure, plaintiff will take the depositions of defendant by William M. Caldwell, Orion Larson and George M. Tuttle, Jr., before a notary public or some other officer authorized by law to administer oaths, commencing the 31st day of October, 1974 at 10:30 in the forenoon in the office of Assistant United States Attorney William Spohn, which is located in the offices of the United States Attorney, 450 Golden Gate Avenue, 16th Floor, San Francisco, California. The said depositions will be continued from day to day until complete. The said witnesses are hereby notified to bring with them and produce at the time and place aforesaid, any and all documents and/or records, and any other materials relating directly or indirectly to the above-captioned matter. You are invited to attend and cross-examine.

Dated: New York, New York
October 21, 1974

Yours, etc.

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: Bobby C Lawyer
BOBBY C. LAWYER
Assistant United States Attorney

32

BCL:slc
72-3882
D-19

804a

Office and Post Office Address:
United States Courthouse
Foley Square
New York, New York 10007
Telephone No.: (212) 791-1968

TO: Marvin Schwartz, Esq.
243 Waverly Place
New York, New York 10014

BCL:slc
72-3882
D-19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - - - - - - - - - - - - - - -x

JAMES D. HODGSON, Secretary of Labor, United States Department of Labor,

Plaintiff,

- v -

INTERNATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS, AFL-CIO,

Defendant.

- - - - - - - - - - - - - - - - - - -x

NOTICE TO TAKE DEPOSITION

72 Civ. 5031 (CBM)

FILED
U.S. DISTRICT COURT
S.D. OF N.Y.
OCT 22 10 51 AM '74

S I R :

PLEASE TAKE NOTICE that pursuant to Rule 26, et seq., of the Federal Rules of Civil Procedure, plaintiff will take the depositions of defendant by Henry C. Walther and Nick Barbara before a notary public or some other officer authorized by law to administer oaths, commencing the 30th day of October, 1974 at 10:30 in the forenoon in the office of Assistant United States Attorney Fred Brosio, which is located in the offices of the United States Attorney, 312 North Spring Street, 11th Floor, Los Angeles, California 90012. The said depositions will be continued from day to day until complete. The said witnesses are hereby notified to bring with them and produce at the time and place aforesaid, any and all documents and/or records, and any other materials relating directly or indirectly to the above-captioned matter. You are invited to attend and cross-examine.

Dated: New York, New York
October 21, 1974

Yours, etc.

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: Bobby C. Lawyer
BOBBY C. LAWYER
Assistant United States Attorney

807a

BCL:slc
72-3882
D-19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON, Secretary of Labor, United States Department of Labor,

Plaintiff,

- v -

INTERNATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS, AFL-CIO,

Defendant.

NOTICE TO TAKE DEPOSITION

72 Civ. 5031 (CBM)

S I R :

PLEASE TAKE NOTICE that pursuant to Rule 26, et seq., of the Federal Rules of Civil Procedure, plaintiff will take the depositions of defendant by Charles W. Wallace before a notary public or some other officer authorized by law to administer oaths, commencing the 4th day of November, 1974 at 10:30 in the forenoon in the office of Assistant United States Attorney Jack Collins, which is located in the offices of the United States Attorney, United States Courthouse, Room 506, Sixth and Main, Portland, Oregon. The said depositions will be continued from day to day until complete. The said witnesses are hereby notified to bring with them and produce at the time and place aforesaid, any and all documents and/or records, and any other materials relating directly or indirectly to the above-captioned matter. You are invited to attend and cross-examine.

Dated: New York, New York
October 21, 1974

Yours, etc.

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

34

By: Bobby C. Lawyer
BOBBY C. LAWYER
Assistant United States Attorney

BCL:slc
72-3882
D-19

808a

Office and Post Office Address:
United States Courthouse
Foley Square
New York, New York 10007
Telephone No.: (212) 791-1968

TO: Marvin Schwartz, Esq.
243 Waverly Place
New York, New York 10014

Addendum to Lowen Deposition -
Plus Exhibit "C" Addendum To Lowen Deposition

U.S. DISTRICT COURT FILED OCT 21 1974 S.D. OF N.Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON, Secretary of Labor, U. S. Department of Labor,

Plaintiff,

-against-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES and PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendants.

72 Civ. 5031 (CBM)

The following statements and documents constitute defendant's additional responses to demands for information made by the plaintiff during the deposition of ROBERT J. LOWEN herein:

Deposition Page(s) No.	Response
13-14	See attached Exhibit "A".
14	See Exhibit "A".
40-42	See Exhibit "A".
65 & 69	See Exhibit "A".
70-71	A letter dated 12/17/71, from Lowen to IBC. See copy attached Exhibit "B".
81	Capt. Lowen did not send out any campaign literature at his own direction.

ADDITIONAL MATERIALS REQUESTED

1. Copies of all correspondence between the IOMM&P and the American Arbitration Association relating to the 1971 Election.

A. Said copies are attached hereto (with an index list of items included). Exhibit "C".

2. An explanation of the $48,000 election expense budget.

A. A breakdown of election-related expenditures is attached hereto. Exhibit "D".

3. Copies of the correspondence that was used in supplying the updated addresses for the American Arbitration Association. 810a

A. Any correspondence of this nature would be included in the package comprising Exhibit "C". Specifically, the following letters are of significance:

8/18/71 Letter from Lowen to AAA [Mrs. C.] re: Inland Local number 18.

8/19/71 Letter from Lowen to AAA [Mrs. C.] re: Norfolk pilots' list.

8/19/71 Letter from Lowen to AAA [Mrs. C.] re: list of the Houston pilots.

8/23/71 Letter from Lowen to AAA [Mrs. C.] re: eligible voters for Inland Local 40.

8/24/71 Letter from Lowen to AAA [Mrs. C.] re: late arrived lists of AMW #17 and Inland Local 27.

8/26/71 Letter from Lowen to AAA [Mrs. C.] re; enclosed lists and letters.

8/26/71 Letter from Lowen to AAA [Mrs. C.] re: page 3 of Local 22 Pilots' mailing list.

8/27/71 Letter from AAA [Tannenbaum] to V. Watson re: returned ballot envelopes.

8/31/71 Letter from AAA [Patricia Leptak] to V. Watson re: enclosed list of those not eligible to vote.

9/1/71 Letter from AAA [Tannenbaum] to V. Watson re: returned ballot envelopes.

9/2/71 Letter from AAA [Tannenbaum] to V. Watson re: returned ballot envelopes.

9/3/71 Letter from Lowen to AAA [Mrs. C.] re: Pilots Division list for the distribution of campaign literature.

9/7/71 Letter from Lowen to AAA [Mrs. C.] re: corrected addresses on returned ballot envelopes.

9/7/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -

a) Sept. 4, 1971 letter from F. E. Smith to Lowen re: Capt. A. Clark Hare.

9/10/71 Letter from Lowen to AAA [Mrs. C.] re: AMW #17 and the Pilcts Division.

9/15/71 Letter from Lowen to AAA [Mrs. C.] re: updating of lists.

9/20/71 Letter from Lowen to AAA [Mrs. C.] re: updated addresses on returned ballot envelopes.

811a

9/20/71 Letter from Lowen to AAA (Mrs. C.) re: copy of returned ballot envelopes.

9/23/71 Letter from Lowen to AAA [Mrs. C.] re: Robert L. Clark.

9/23/71 Letter from Lowen to AAA [Mrs. C.] re: additions to Local #18 (Inland) mailing list.

10/14/71 Letter from Lowen to AAA [Mrs. C.] re: sending ballots to additional Pilots Local #100 members.

11/16/71 Letter from Lowen to AAA [Mrs. C] re: "NO PORT" list.

11/17/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -

a) Nov. 10, 1971 letter from Capt. Stanley to Harry Seidman re: D. C. Goddard/McKeithen Gillett.

11/17/71 Letter from Lowen to AAA [Mrs.C.] re: list of twelve names for Norfolk membership list.

11/17/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -

a) Nov. 15, 1971 letter from C. M. Snow to Harry Seidman.

11/18/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -

a) Nov. 17, 1971 letter from C. M. Snow to Lowen.

11/18/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -

a) Nov. 17, 1971 letter from C. M. Snow to Lowen re: T. F. Parker.

11/22/71 Letter from Lowen to AAA [Mrs. C.] re: enclosed list (SPND).

11/22/71 Letter from Lowen to AAA [Mrs. C.] re: new members of Inland Local 30 on enclosed list.

11/22/71 Letter from Lowen to AAA [Mrs. C.] re: members to receive ballots - list of exclusions.

11/23/71 Letter from Lowen to AAA[Mrs. C.] re: enclosed list of new members of Locals 6, 17, 18 and 40 (Incland).

12/9/71 Letter from Lowen to AAA [Mrs. C.] re: additional names for Local #100 (Pilots) list.

12/15/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -

a) Dec. 13, 1971 letter from C. M. Snow to Lowen re: Local 14 (Inland) changes.

b) Dec. 13, 1971 letter from P. L. Mitchell to Lowen re: Local #4 (Inland) changes.

12/16/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -

a) Dec. 10, 1971 letter from Lowen to all Inland, Pilot and AMW offices re: Local #89 Bar Pilots.

b) Dec. 13, 1971 letter from John Wiek to Lowen re: Local #17 changes.

12/20/71 Letter from Lowen to AAA [Mrs. C.] re: "NO PORT" list.

12/20/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -
a) Dec. 15, 1971 letter from Allen C. Scott to Lowen re: new members of AMW Local #8 - enclosed list.

2/7/72 Letter from Lowen to AAA[Mrs. C.] re: Pete Sundnes.

4. Copies of the original Ballot Committee minutes.

A. Said copies are attached hereto and marked Exhibit "E".

Exhibits

A to E

Attached to Deposition of Robert J. Lowen

EXHIBIT "A"

A CHRONOLOGICAL LIST OF WHAT CAPT. LOWEN, AS INTERNATIONAL SECRETARY-TREASURER, AND HIS OFFICE STAFF DID WITH REGARD TO THE ILA AFFILIATION ELECTION AND THE 1971 ELECTION OF OFFICERS AND A DETAILED EXPLANATION OF HOW THE VOTER ELIGIBILITY LIST WAS PREPARED.

1. By membership referendum, the Off-Shore Division came into being on October 1, 1970.

2. On December 23, 1970, a letter was written to all former Locals requesting listings of all members by name, address, social security number, dues standing as of December 31, 1970, current dues status, etc.

3. On January 1, 1971, all former Locals were terminated (becoming ex-Locals) and became part of the Off-Shore Division.

4. Between January and May, 1971, the Off-Shore Division forwarded to the Statistical Tabulation Corporation the ex-Local membership list (source) for punching input into the computer. These membership lists were taken at face value and assumed to have been accurate at that time.

5. This input was checked and rechecked for accurary, e.g., spelling, social security number, position, addresses and monetary figures. Incorrect punch-outs were corrected along with other errors and the master list was revised and updated month by month.

6. In August, 1971, Mrs. Vera Watson, IOMM&P Office Manager, was provided with the revised Off-Shore Division membership voter eligibility list (dated August 1, 1971), which list was subsequently used for the 1971 International Election and Constitutional Referendum. At this time the International took

the stance that no member in good standing would be denied a ballot.

Problems that Occured While Establishing Membership (Eligibility) List.

1. From ex-Local Membership List.

A. Non-conformity to eligibility Membership List.

B. Members whose names appeared on more than on list.

C. Inland members that appeared former branch list to be punched in as Off-Shore Members.

D. Deceased members whose names were not removed from the Local lists.

E. Suspended members and retired members who were not removed from the Local lists.

F. Incorrect starting balances as of January 1, 1971.

2. From Off-Shore Dues Receipts.

A. Incorrect social security numbers which the computed accepted as new input and added to the computer printout.

B. Incorrect spellings, such as Mc Caw and McCaw, which added new names to the list where the same person had two or more receipts with different social security numbers.

How Corrections were Ascertained to Establish the Final Eligibility List.

1. From January to May, 1971, the main emphasis was placed on implementing the Off-Shore membership list.

2. In May, 1971, the Comptroller's staff, auditors (4), the technician who helped establish the computer program and his assistants checked the receipts against the printout as well as the ex-Local membership list (source) and made all necessary corrections.

3. In June and July, 1971, the Comptroller's staff continued to check with the ports to determine additions, deletions and other changes from the ex-Local membership lists (source) as supplied, and made the necessary updating corrections.

4. The August 1, 1971 membership list was the voter eligibility list received by the American Arbitration Association.

5. August to December 17, 1971:

A. A historical record developed when a member paid dues more than twice during the year. This assisted in determining the correct social security numbers.

B. Checked with the IOMM&P Pension and Welfare Plan Offices for correct social security numbers.

C. Dues standing balances were checked with the ex-Local offices to determine if some members were Inland members and/or pensioners.

D. Authentication dervied from financial status reports of those members who had defaulted in dues payments. This process helped to determine the identities of those members who were to be suspended and who had duplicate names with different social security numbers.

6. On December 17, 1971, a finalized list was mailed to the International Ballot Committee. This list contained the names of all members who were believed to be ineligible to vote

due to suspension, transfer, duplication, death, etc., on the basis of the updated ex-Local lists. The Ballot Committee was to make the final determination in this regard.

7. At this time it was felt that the voter eligibility list was as complete and as current as possible.

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS

AFFILIATED WITH AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
INTERNATIONAL TRANSPORTWORKERS FEDERATION ⚓ RAILWAY LABOR EXECUTIVES' ASSOCIATION

FOUNDED 1880

THOMAS F. O'CALLAGHAN
INTERNATIONAL PRESIDENT

ROBERT J. LOWEN
SECRETARY-TREASURER

WILLIAM M. CALDWELL
VICE PRESIDENT

39 BROADWAY
NEW YORK, N. Y. 10006
WHITEHALL 4-8508

Cables: BRIDGEDECK

817a

December 17, 1971

To the Members of the International
Election Ballot Committee
International Organization of Masters,
Mates and Pilots
39 Broadway
New York, New York 10006

Dear Sirs and Brothers:

To ensure that none of the members of the former Offshore Locals, now known as the Offshore Division, were disenfranchised, ballots were mailed to all members listed on the membership list as provided to International Headquarters as of the Local's entry into the Offshore Division of the IOMM&P.

To ensure that only valid ballots are counted in the current election, a comprehensive survey has been made of the membership list and it has been determined that the individuals whose names appear on the attached sheets are not eligible* to be counted in the election for the reason noted on the respective list.

Reasons for ineligibility to vote are as follows:

1. Pensioner, non-dues paying.
2. Voluntary resignation; date of resignation noted.
3. Deceased; date of death noted.
4. Suspended for non-payment of dues (SNPD).
5. Duplicate listing; name appears more than once on list. (Only one ballot to be counted)

Fraternally yours,

Captain Robert J. Lowen
International Secretary-Treasurer

RJL:vw
enc.

*Eligibility to be determined by Ballot Committee

cc: Mrs. Margaret Carlson, Election Supervisor, AAA
Marvin Schwartz, Esq., IOMM&P International Counsel

PORT OF BOSTON (Ex-Local 11)

PENSIONERS - NON-DUES PAYING

Name	Social Security No.	Name	Social Security No.
Albertson, H. L.	019-12-7306	Mosher, A. D.	015-24-7551
Biennia, W. J.	549-24-5201	Murphy, W.	029-22-6578
Brown, J. C.	027-18-6553	Nathan, J. G.	024-16-4461
Carney, A.	033-05-3920	Northern, Jr., H.G.	020-12-8907
Coady, J. M.	029-12-5648	Powers, J. J.	124-03-3166
Dow, G. O.	013-01-8767	Reid, B. H.	021-07-9424
Egaw, A.	028-05-5673	Serio, S.	015-12-1318
Farrell, Charles L.	015-18-8948	Stanley, G. H.	143-14-3940
Gage, C.	019-12-6751	Verbisky, S. F.	092-12-5504
Glennon, M.	114-05-0027		
Griffin, C. J.	549-24-9539		
Horan, C. E.	049-18-6240		
Jensen, J. W.	021-12-3016		
Johnsen, H.	026-14-5389		
Keating, W. J.	019-16-6394		
Labrecque, J. W.	027-12-2019		

VOLUNTARY RESIGNATIONS

		Date of Resignation
Brady, J. A.	549-24-4134	6/30/71
Quinn, B.	025-18-6537	12/10/70
Ryan, J.	027-16-0106	3/31/71

DECEASED

		Date of Death
Daley, W. J.	549-24-4501	9/13/71
McManus, W. J.	028-10-7343	5/11/71

SUSPENDED FOR NON-PAYMENT OF DUES

Bennett, R. R.	031-12-1867	Powers, R. J.	014-18-9641
Crocker, C. P.	020-12-2623	Thorkelson, Omar J.	144-00-0221
Huggins, J.	036-14-2700	Vecchinoe, L. R.	023-30-2668
Lewis, R. W.	019-16-6350	Wallace, C. W.	004-14-0830
Merrill, A. G.	462-48-2902	Webb, W. R.	012-30-3580
Perry, C. W.	031-16-7142	White, H. L.	019-12-0486
Powell, W. E.	020-04-9457	Young, Harvey	024-16-2312

DUPLICATE LISTING - COUNT ONLY ONE BALLOT

O'Donnell, Jr., C.J. 020-14-5943

PORT OF NORFOLK (ex-Local 14)

PENSIONERS - NON-DUES PAYING

Name	Social Security No.
Meyers, Myron	576-14-7676
Rich, John A.	063-14-7967
Tenney, John B.	230-22-4266

VOLUNTARY RESIGNATIONS

		Date of Resignation
Gaskins, Floyd	143-18-5764	6/30/71
Purcell, Thomas	008-05-5833	4/1/71
Twiddy, W. C.	227-14-7750	3/31/71

DECEASED

		Date of Death
Hopper, Hal A.	228-09-9516	6/2/71

SUSPENDED FOR NON-PAYMENT OF DUES

Anderson, W. E.	122-32-3926	
Aston, Robert	091-14-2033	
Barrow, James L.	224-18-8612	
Brown, Charles R.	036-12-0897	
Caton, Daniel	228-64-0077	
Doyle, John J.	194-12-5306	
Frangos, Michael	104-40-8454	11/12/71
Jacoby, Martin	117-32-1692	
Libby, Richard E.	030-38-3981	
Pascke, George A.	127-14-3167	
Raysbrook, Frank	176-32-0577	

TRANSFERS

		Transferred to:	Effective Date
Bennken, John W.	086-16-6709	Inland	1/1/71
Brown, Charlie R.	036-12-0897	"	"
Burford, Gordon T.	579-10-7351	"	"
Fiddy, W. J.	020-12-9835	"	"
Gray, Osbourne	006-05-4591	"	"
Handran, John E.	087-12-8036	"	"
Hudgins, Colie W.	218-03-4274	"	"
Parker, Dallas	228-12-5900	"	"
Tenney, John B.	230-22-4266	"	"
Marchant, L. T.	095-12-0572	"	"

December 17, 1971

PORT OF PHILADELPHIA (ex-Local 14)

PENSIONERS - NON-DUES PAYING

Name	Social Security No.	Name	Social Security No.
Davis, Jeff E.	257-14-3139	McGee, A. E.	180-18-4875
Galenski, Frank	559-24-7552	O'Callaghan, Chas.	535-07-5980
Kelley, Henry C.	003-05-0163	Poyner, John	284-14-1021
McCabe, Leroy	057-16-7004	Thomas, D. W.	091-14-0392

VOLUNTARY RESIGNATIONS

		Date of Resignation
Lambert, Francis	198-05-4000	6/30/71
Ohberg, Arik	146-34-6820	10/7/71
Smith, Gary	102-36-5519	9/22/71

DECEASED

		Date of Death
Allman, Paul J.	106-18-8536	2/01/71
Batey, S. H.	300-07-5014	2/11/71
Bryant, Calvin A.	241-22-1521	6/22/71
Clancy, Joseph G.	090-18-6552	11/11/71
Dutson, Richard E.	157-05-0544	8/01/70
Hart, Samuel B.	451-22-4799	12/11/70
Keane, H.	122-16-7781	4/27/71
Laughlin, John	072-14-4923	12/10/71
Mahoney, David	140-12-1988	11/26/71
Newton, Robert	190-16-8186	12/22/70
Swanson, Justus	566-12-0375	4/27/70
Thorsen, Alf. D.	262-74-6513	3/02/71
Toomey, Richard	087-12-9294	5/06/71
Gallagher, D. F.	201-22-4385	12/13/71

SUSPENDED FOR NON-PAYMENT OF DUES

Arbustro, Frank, Jr.	098-36-0333	McKee, John C.	044-38-2148
Baker, Jeremiah	004-44-8137	Nehring, Wm. E.	003-32-7238
Bowen, Peter J.	129-40-6721	Novicki, Robert	125-38-1646
Brierley, R. L.	018-32-4582	Orton, Lance W.	099-40-4679
Clary, Stephen D.	057-36-5566	Passon, S. O.	558-60-2267
Fairhurst, Wm.	138-38-6617	Pesca, Louis, Jr.	058-40-4821
Farnon, Jas. F.	132-36-7121	Peters, S. E.	135-34-0751
Follansbee, Chas.	184-01-3713	Pitko, Louis	144-00-0209
Gaffney, M.	275-44-9098	Quigley, F. A.	086-16-4739
Galbraith, H.	301-16-9587	Robertie, Fred	083-36-4342
Gonzales, Ralph	431-34-9412	Rogers, Robert	146-34-6708
Gray, T. H.	034-34-8015	Russell, Greg L.	100-36-6708
Gutchigian, G.H.	183-38-4980	Santry, George	022-32-3197
Harden, R. C.	004-48-5212	Simon, C.	121-38-6011
Leech, David A.	381-42-4158	Smith, James M.	030-38-3777
Lentaun, J. W.	207-38-5686	Spaulding, Wm.	577-18-1302
Loco, Paul E.	125-36-4345	Surmo, Edward	318-12-2915
Luard, John F.	120-38-9764	Tait, William	006-20-2493
Mattione, Eugene	197-32-7234	Trawka, John	146-18-3385
McAllister, Frank	155-03-1614	Wesa, Jack	048-40-7542
		Yerian, Richard	089-36-2838

PORT OF PHILADELPHIA (ex-Local 14) December 17, 1971

DUPLICATE LISTING - COUNT ONE BALLOT ONLY

Name

Rousse, M. J.
Rousse, Michael J.

Swanson, Elwin H.
Swanson, Elwin H.

Toscani, B.
Toscani, Biagio

TRANSFERS

Name	Social Security No.	Transferred to:	Effective Date
DiGiacomo, Mark	222-01-3177	Local 14-Inland Philadelphia Branch	1/1/71
Evanosich, Jos.	185-07-3581	"	"
Hirleman, Bud C.	175-05-6395	"	"
Link, Walter	119-03-9504	"	"
McGrody, J. M.	705-09-3352	"	"
Scoufolos, C.	083-18-0595	"	"
Spain, J. M. S.	432-36-6497	"	"
Suder, John F.	191-16-2141	"	"

December 17, 1971

PORT OF BALTIMORE (ex-Local 14)

PENSIONERS - NON-DUES PAYING

Name	Social Security No.	Name	Social Security No.
rooks, Charles	217-14-2427	Jaenike, K. W.	092-12-5509
ook, Ernest	438-14-4973	Kusiak, Joseph K.	292-12-9744
erocco, John	537-03-9148	Moore, J. W.	239-28-0048
etwiler, David	153-12-9534	Nase, J. A.	215-18-1502
owler, Edward G.	218-07-4011	Richards, John	219-05-6969
ubbard, L. J.	253-20-4172	Sedlins, John	108-18-4404
		White, George	158-09-1505

DECEASED		Date of Death
risius, Charles E.	576-16-9577	3/5/71
earson, G. B.	265-22-6292	5/31/71
erez, Henry	433-24-5369	6/12/71
tripling, L. A.	260-20-2734	9/27/71
rautmiller, Robert	474-16-3169	11/11/71 (Paid to 12/31/71)
alsh, Stanley	005-12-6859	10/23/71
alch, Leo, Jr.	020-30-5135	10/19/71

SUSPENDED FOR NON-PAYMENT OF DUES

ndrus, George A.	551-74-6243	Melloway, Harold	546-62-5745
rker, E. H.	426-28-1276	Mikesell, Edgar	452-60-1389
tes, Paul	011-16-3804	Mokarzel, Edward	080-16-9723
ach, J. T.	257-10-2383	Musi, William S.	182-03-9689
ck, Lawrence A.	214-44-0660	Nelson, D. E.	023-34-7213
urgeois, Randall	231-68-5365	Nickerson, David	218-48-6501
tcher, James E.	126-40-3295	O'Loughlin, Robert	069-32-5809
aurro, Michael J.	049-36-9410	Pfister, Herbert	087-12-8389
lley, William	030-30-2124	Phoebus, Ronald	215-42-5290
lton, Alan Frank	124-34-1145	Potter, Archie	238-66-4920
nnelly, James H.	104-16-6328	Price, Lawrence	217-22-9737
ane, James P.	022-38-7746	Razewski, David	093-38-0824
ouck, F. A. C.	553-62-6194	Rodemann, Robert P.	118-34-8322
al, Ralph B.	554-28-2226	Sapol, Stephen	172-34-2842
er, William	144-12-2298	Schade, Gary	047-40-9096
ssler, Charles H.	080-34-0755	Schokley, William	102-42-6736
oyd, J. W.	257-16-2068	Smith, Francis J.	090-36-1990
s, Ben	122-32-1241	Stephey, Lawrence	070-38-2304
mer, John T.	203-36-7673	Terry, Ronald	005-44-6612
rigan, James	136-32-1590	Thompson, Joseph	267-62-8841
bert, John R.	216-50-5479	Thornton, Ronald	276-44-2211
y, James M.	235-70-2920	Todd, Robert	250-28-3247
kson, Thos. III	577-62-7500	Tremblay, Daniel	004-50-2130
ce, Douglas	215-40-4321	Tully, Brian	096-40-1983
mehgina, Carl	575-30-7733	Vaillancourt, Peter	032-32-3082
nder, Dean F.	521-64-5444	Walter, Perry P.	157-28-2649
n, Frank F.	116-38-4476	Warner, Kenneth H.	049-38-5240
nedy, Henry V.	089-34-1004	Watson, Michael	224-58-2063
ach, Gary L.	144-36-5082	Wings, Clifford	141-40-4454
is, C. K.	568-10-6638	Wirick, Richard J.	196-18-3681
er, Daniel M.	228-62-8503	Wuestefeld, Russel	100-32-7595
s, Bryant	006-44-4838	Young, Ronald	088-38-7131
ndlin, Jessie	427-18-8462		

PORT OF BALTIMORE (CN-Local 14)

December 17, 1971

DUPLICATE BALLOT - COUNT ONE BALLOT ONLY

Name	Social Security No.
Depuey, William A.	
DePuey, William G.	
Laquiere, Arthur G.	
Laquiere, Arthur G.	
Schade, Gary D. (Suspended - see Suspension List for Baltimore)	
Schade, Gary D. (Suspended - " " " " ")	

TRANSFERS

		Transferred to:	Effective Date
Durbin, Francis	031-03-4394	Inland	1/1/70
Fisher, Gunnar	114-05-5526	Inland	1/1/71.
Hogan, Edw. Thos.	546-60-0837	Local 30	12/31/70
Santos, Alvaro	133-26-2709	Pilots	9/4/70
Stone, Robert C.	551-12-0870	Inland	1/1/71
Folk, Ralph L.	218-07-5631	Inland	1/1/71

PORT OF NEW ORLEANS (ex-Local 15)

PENSIONERS-NON-DUES PAYING

Name	Social Security No.
Jones, Ervin R.	522-22-2947
Olin, William E.	094-16-2237

VOLUNTARY RESIGNATIONS

		Date of Resignation
Bourgot, Jerome	421-18-8896	6/30/71
Cavannah, Wiley B.	435-16-4693	6/30/71
Classick, Francis J.	433-07-0960	3/31/71
Davin, Benjamin G.	017-20-9187	7/1/71
Dorn, Clarence	495-12-3551	6/30/71
* Kelly, John J.	433-24-9253	9/30/71
Marcinecik, Frank	451-22-6374	6/30/71
Rose, Harris	417-28-0562	6/30/71
Shirley, Wiley	451-22-6410	2/1/71
Sollid, John	438-30-6392	3/31/71
Stuntz, Jr., Frank	434-14-9557	6/1/71

DECEASED

		Date of Death
Andrus, Jon C.	460-10-5308	4/4/71
Hemmersbach, Joseph	435-22-2547	7/17/71
Jackson, Joseph	437-07-4262	5/3/71
Kristensen, Michael	435-14-3525	3/5/71
LeBlanc, Calvin	438-20-7005	7/7/71
Melichar, Glenn	083-14-0135	7/25/71

SUSPENDED FOR NON-PAYMENT OF DUES

Becker, Philip G. III	456-22-7552	Lockarno, Luis	435-40-7639
Boudreaux, Ernest	439-09-4977	Prentice, Robert L.	536-36-1527
Brechka, Anthony	148-03-9738	Prickett, Odell C.	416-36-9282
Byers, Larry J.	424-46-6910	Quin, Jr., Ernest D.	427-48-7857
Calhoon, Gerald L.	519-54-1379	Shown, Bruce	354-36-0871
Deno, Paul	384-16-9646	Smith, Donald R.	457-32-6432
Gilleland, James	456-30-1291	Smith, Robert N.	433-68-3464
Gubert, David A.	375-50-2476	Spireo, Hubert	451-22-4416
Hudson, George F.	215-44-8425	Strom, Gary W.	349-42-1695
Jensen, Marie	548-44-9523	Suttles, Jerry	241-66-2979
Johnson, Frank E.	433-17-1766	Taylor, Norman	053-18-6406
Kline John B.	428-20-1836	Trendell, Herbert W.	099-38-2204
Laskay, Norman	292-34-2389	Watson, Benjamin	475-40-5080

DUPLICATE LISTING - COUNT ONLY ONE BALLOT

Modinger, Hodgson M.
Modinger, Hodgson M.

Weymouth, Warren A.
Weymouth, Warren A.

December 17, 1971

PORT OF GALVESTON (ex-Local 20)

PENSIONERS - NON-DUES PAYING

Name	Social Security No.
Farrell, John B.	454-18-0118

VOLUNTARY RESIGNATIONS

		Date of Resignation
David, Willis	424-07-7066	10/7/70
Dillard, Bea A.	559-01-7220	6/30/71
Dimech, Joseph D.	557-07-2540	9/30/71
Fourcade, Peter J.	439-09-3680	6/30/71
Holland, David A.	700-07-5998	9/30/71
Lawrence, Frank W.	190-16-2108	6/30/71
Lehner, Frank E.	105-09-0752	3/30/71
Lisi, John T.	158-12-9530	6/30/71
Lorentzen, G.	454-42-9946	4/1/71
Payne, Samuel J.	559-14-3207	6/30/71
Stanowski, Stanislaus	J179-05-1807	4/1/71

DECEASED

		Date of Death
Anderson, Henry O.	534-14-0935	4/27/71
Rosenquist, Igor A.	561-05-2608	3/22/71
Witty, Charles E.	456-26-8239	10/20/70

SUSPENDED FOR NON-PAYMENT OF DUES

Dunnibier, John P.	466-42-9722
Pierce, Patrick B.	461-58-9207
Tate, Walter R.	086-12-4395

DUPLICATE LISTING - COUNT ONE BALLOT ONLY

Batcho, Jr., Edward S.
Batcho, Jr., Edward S.

TRANSFERS - COUNT ~~KENNEDY~~ PILOT BALLOT ONLY

		Transferred to:
Garrison, Eugene C.	546-24-5605	Houston Pilots
Johnson, James F.	177-14-3182	

PORT OF JACKSONVILLE (ex-Local 24)

PENSIONERS - NON-DUES PAYING

Name	Social Security No.
Dineen, George R.	112-01-3744
Koch, Rolf	546-14-3530
Rose, Joseph D.	082-16-7008
Tollman, Gerald P.	141-16-7144
Stubbs, Henry H.	263-05-8809

VOLUNTARY RESIGNATIONS

		Date of Resignation
Askenback, Gustav	091-14-0857	12/30/70
Halleland, Bjorng T.	450-26-7144	10/1/70
Horne, Albert	086-16-3810	9/30/70
Hyer, Randall R.	264-05-8051	10/30/70
Orton, Frank O.	498-07-4918	1/1/71
Robertson, William	433-22-9887	12/31/70
* Steidel, Rolf	091-14-2400	9/30/71
Williams, Oscar E.	073-22-2118	12/31/70

DECEASED

		Date of Death
* Boulch, John M.	498-14-6072	10/18/71
* Church, Edwin S.	372-09-6723	7/24/71
Herbel, Charles W.	091-16-5744	12/9/70

SUSPENDED FOR NON-PAYMENT OF DUES

Moore, A. H.	434-28-8931

DUPLICATE LISTING - COUNT ONE BALLOT ONLY

Fuelling, Lewis
Fuelling, Louis, Jr.

Lindes, Ernst F.
Lindes, Ernst F.

PORT OF NEW YORK (Ex-Local 83)

December 17, 1971

PENSIONERS -NON-DUES PAYING

Name	Social Security No.
Alphends, L.Allison	157-18-3608
Anderson, Harry E.	032-14-9071
Bitsikas, George	072-12-0634
Boetman, Emile	056-18-8976
Brack, Laurent H.	096-16-6950
Brands, E. G.	328-18-0158
Briscoe, A. K.	086-16-8981
Campbell, Donald A.	052-12-6358
Carter, Edward A.	086-16-5711
Clark, Leonard	218-10-9924
Colding, Svend C.	096-18-2219
Crane, David C.	149-01-9152
Dilley, Allan G.	555-20-8899
Foster, Edward H.	115-03-7286
Garulo, Anthony	014-22-2150
Graul, A. J.	137-10-2733
Greene, J. D.	245-24-6140
Hansen, Arnold T.	106-18-8714
Harding, Richard C.	022-12-2750
Osmund, Hole	115-03-7285
Houpis, Milton H.	107-09-5906
Alessi, Carmelo	077-12-4201

Name	Social Security No.
Johnson, Frank R.	021-16-5105
Korotky, Sam L.	018-18-6961
Larsen, Peter W.	094-14-1713
Larsen, Reinert	466-38-6768
Leonard, R. L.	137-12-8719
Logan, J.	131-07-3964
MacLean, Thomas A.	052-18-1506
Matthiesen, Jep A.	215-22-7365
McDonald, Alexander A	075-32-5249
McMahon, Dewey	265-03-0148
Meyer, Walter D.	230-14-8957
Nakonechmy, B.	700-18-2851
O'Connor, J. R.	266-18-1089
Pasak, Leo John	501-14-5741
Schneider, Leon H.	128-01-7840
Schroeder, Hans	423-10-3599
Slaunwhite, Vernon S.	131-01-8861
Wagner, Joseph	433-24-7317
Wayman, Wm.	086-16-5944
Wheeler, Mark T.	456-16-4766
Woodman, Warren A.	070-24-0335

VOLUNTARY RESIGNATIONS

		Date of Resignation
Anderson, Axel A.	078-07-9682	3/31/71
Bellis, Wm.	556-16-7976	9/30/70
Brown, Richard A.	416-30-7333	3/3/71
Coffey, Wm.	063-12-0111	6/30/71
Cummings, Harold E.	091-14-0140	9/30/70
Elmore, Jr., O.J.	203-16-4429	3/31/71
Feldman, Edward	059-12-6602	9/30/70
Gercken, A. R.	021-12-6816	3/29/71
Greve, Lionel	108-34-8429	9/30/70
Hansen, Harder L.	086-16-3840	12/31/70
Hollyer, Daniel	087-12-9063	3/1/71
Jensen, G.	086-16-4134	9/30/70
Johnson, Christian	112-01-8764	3/31/71
Michels, Otto	070-20-3604	12/31/70
Chren, Aksel	083-14-2435	6/30/70
Osborne, Harry	451-24-4673	6/30/71
Owen, Oscar	055-16-4058	3/31/71
Qually, David L.	125-24-7748	1/1/71
Rapp, Victor J.	124-38-2305	6/30/71
Sarvis, George	249-07-0080	9/30/71
Sheetz, Donald J.	332-36-4057	6/29/71
Sietz, Karl	096-16-9401	3/29/71
Sommerfelt, H.	093-16-0172	6/30/70
Steinig, Arno	100-12-5353	4/30/70
Strout, John T.	141-03-6824	9/30/70

(VOLUNTARY RESIGNATIONS continued next page for NEW YORK)

VOLUNTARY RESIGNATIONS - (Continued)

Name	Social Security No.	Date of Resignation
Sundberg, G. E.	086-16-6067	9/30/70
Trindade, E .J.	086-16-0656	3/9/71
Usasz, Edward J.	508-18-9210	12/31/70
Veasey, Philip S.	086-09-0754	9/30/70
Vennerod, Hans A.	065-18-9729	3/18/71
Work, Charles V.	281-38-1220	6/30/71

DECEASED

		Date of Death
Andersen, John A.	008-12-6291	10/30/70
Aubert, Norman D.	125-18-4242	6/24/71
Bordelon, James C.	577-58-3859	6/30/71
Brown, Wm. J.	311-24-9904	3/28/71
* Bullen, Godfrey S.	062-09-5105	7/27/71
Clayton, Ed B.	180-18-4725	6/30/71
* Hirschey, Arthur A.	067-18-8065	10/10/71
* Horan, John T.	116-10-6316	11/26/71
Jeremic, Kosta	377-32-6030	4/21/71
*Knudsen, T. J.	055-24-6790	7/16/71
Lignos, Spiro	418-34-3525	1/25/71
McGraw, Boyd	083-16-6711	5/12/71
O'Rourke, Bernard T.	078-18-9385	6/30/71
* Peterson, Athelstan	086-16-8572	11/21/71
Rutherford, George	576-12-2236	5/26/71
Smith, Bazil W.	561-05-6223	1/24/71
Svege, L. L.	123-14-9877	6/30/70
* Van Palland, John B.	080-20-7509	9/14/71
* Waschkowsky, W. F.	566-10-4732	11/8/71

SUSPENDED FOR NON-PAYMENT OF DUES

Anapol, Michael S.	143-36-7216
Andreasen, Andrew J.	530-30-5908
Barckmann, Walter	086-16-6678
Barnes, Philip C.	019-22-8827
Barron, John E.	001-24-5293
Battell, Thomas	028-32-5358
Beatus, Stephen M.	086-40-4158
Belinske, Frank M.	048-34-2354
Berkel, Timothy G.	062-36-3546
Blasko, John III	096-38-8058
Boardman, Philip W.	057-34-2121
Brackett, Irl C.	006-16-1725
Brady, Edward A.	108-34-0297
Brown, Carl	263-50-7059
Burke, Wm. H., Jr.	040-36-5942
Burns, Richard R.	112-26-3418
Cantelo, Howard A.	086-12-9411
Cayce, Kent A.	083-34-2533
Cherici, Pier R.	050-42-8947
Christiansen, E.	070-18-5451
Clark, Craig A.	155-42-7638
Clarke, Stephen D.	012-36-4536
Colpitts, Lawrence H.	005-10-7948
Crescenzo, Victor	180-12-9699
Cripe, Waldo C.	140-01-1459
Custin, H. F.	083-16-0135
Dahle, Leif M.	096-09-6356
Davidson, Wm. C.	125-03-0031
DeSimone, Robert C.	126-38-3920

(SUSPENDED FOR NON-PAYMENT OF DUES continued next page for NEW YORK)

SUSPENDED FOR NON-PAYMENT OF DUES - (Continued)

Name	Social Security No.
DeTorres, George	100-34-4066
Donley, John A., Jr.	449-64-3802
Dooley, Austin L.	154-36-3681
Dunn, Edward, Jr.	034-34-2409
Eldridge, Jeffrey F.	028-36-3148
Emmons, George D.	064-38-1145
Fairfield, Edward	015-32-3339
Flint, Robert J.	130-34-8477
Forrest, Bruce T.	060-36-7900
Fox, Thomas F.	063-32-7178
Frith, Thomas	086-16-5932
Galvani, James J.	097-07-4997
Geller, Kenneth L.	102-36-2399
Gossom, Richard R.	325-38-3765
Gregory, Edward A.	117-10-3181
Guess, Irby L.	435-26-9895
Hadler, Thomas E.	133-18-8273
Hall, Thomas J.	226-68-8599
Hartman, James N.	702-18-9825
Harshoren, C. R.	010-30-8482
Hassan, J. B.	055-14-3512
Haw, John O., Jr.	223-58-0922
Hedegard, Aage	535-12-3986
Hertz, Steven J.	091-32-8032
Hess, Joseph K.	130-24-5659
Howard, Raymond	097-18-2655
Hraba, James A	100-32-7913
Hlenda, Charles A.	472-48-3344
Ingram, John G.	091-32-6416
Jacobsen, Harold	066-16-9231
Johnson, Russell J.	066-38-2645
Jones, Thomas C.	242-12-3584
Jouett, E. E.	561-22-8573
Kimlosy, Fred	007-22-6323
Lampert, P.	072-14-1389
Lauterbach, G. L.	078-26-3373
Levidites, Takis	050-10-4483
Lockwood, Millington	115-34-1161
McCaulley, Robert	071-12-5775
MacGregor, Robert A.	080-18-7020
Mallock, S. J.	090-14-3619
Mardikos, J.	131-16-0656
Mosnich, M.	
Musa, A. J.	
Paraclas, J.	
Russo, G.	
Sigliano, N.	
Griffin, W.	

Name	Social Security No.
McNamara, James	141-32-0176
Micelli, Joseph	140-14-2329
Miller, Richard L.	301-40-6292
Miskimmin, Robert A.	087-24-7307
Modave, Louis J.	119-22-1716
Morin, Germain A.	547-26-5485
Murphy, Thomas	082-03-6639
Neitz, Michael	068-34-2005
Neumann, George	335-16-2882
Nichols, Charles E.	284-16-5564
Osinski, Leonard	082-16-3810
Palmer, John P.	127-28-9158
Pedersen, Eddie	052-14-6700
Peterson, Ernest K.	100-01-0078
Prather, Ernest	083-14-0134
Ratigan, Edward	085-34-2755
Reiter, Keith C.	095-28-7449
Rexin, Ernest A.	115-22-4491
Reynolds, John [illegible]	052-36-7733
Russell, Robert J.	145-28-5277
Schneider, George	105-16-0823
Schulz, Roger	367-40-9314
Scroggins, Joe	491-40-7351
Seims, Kenneth	105-34-5477
Shearer, William	424-07-7092
Sheklin, Michael A.	131-34-9455
Skarvelis, Nicholas T.	178-26-5461
Smith, James R.	408-76-9075
Stich, William	091-38-0363
Tocicki, John	059-34-6403
Torns, Warren G.	057-36-3493
Trachtman, Alan C.	101-38-2742
Tucker, Daniel	156-38-8465
VanDevender, Frank M	165-34-0569
Vlahovich, Stephen	093-38-1608
Wally, A. J.	086-16-2850
Ward, J. E.	006-30-1523
Whitener, Joe	093-38-0905
Wise, Randall E.	570-60-8954

DUPLICATE LISTING - COUNT ONE BALLOT ONLY

Hemmingson, R. H.
Kurchin, V.
Mullins, Paul
Oliphant, J.
Ronan, I. R.
Sorenson, A.
Tomlet, P. L.

PENSIONERS - NON-DUES PAYING

Name	Social Security No.	Name	Social Security No.
Connaughton, Frank	553-34-8958	James, Robert	551-26-1137
Davis, Harold	553-20-5249	Knauber, Henry	567-01-9073
Enos, Harold	558-09-8068	Lane, Elroy	538-01-6381
Fruehan, Ed. C.	552-28-7674	Marrow, Glenn F.	005-09-3085
Guthrie, James D.	572-46-0799	Nielsen, Valdemar	551-26-9661
Hammel, Charles	556-16-7857	Reddy, Stuart.J.	560-09-0677
Kystad, Ingard	421-16-9653	Sweetser, Robert W.	556-26-1996
Idle, Howard	313-18-3479	Vail, Edward R.	548-26-7552

VOLUNTARY RESIGNATIONS

		Date of Resignation	
Alcorn, Edwin	532-03-0632	4/1/71	
Ayra, Kalervo	535-28-0792	6/30/71	
Barnhart, C. N.	535-07-3374	7/1/71	
* Bready, Wm.	572-22-2401	9/30/71	
Cahling, G.	554-20-1984	7/1/71	
* Chamberlain, R.	568-20-8966	9/30/71	
* Clute, Wm.	085-16-9043	9/1/71	
Daly, Charles	549-24-8259	7/1/71	
* Davis, Jack	554-09-4758	9/30/71	
Dreyer, Hans	558-03-3972	6/30/71	
Engberg, Ellis	535-03-7630	7/1/71	
* Gertridge, C.	551-28-0963	9/30/71	Pd to 7/1/71
Goodwin, Charles	537-01-2565	4/1/71	Pd 3/31/71
* Green, Joseph K.	540-22-9686	9/30/71	Pd to 3/31/71
Haskell, George	551-26-9471	6/30/71	
* Kaulfuss, Ernest	086-14-6075	10/1/71	Pd to 6/30/71
Lancaster, A. V.	534-10-9652	6/30/71	
* Mackenzie, John	545-12-0178	9/30/71	Pd to 6/30/71
* Matthiesen, Hans O.	553-20-4595	9/30/71	
Miller, Lyno D.	566-01-0904	4/1/71	
Nickelsen, Colin	420-18-5637	4/1/71	
Nielsen, Knud A.	014-16-1874	4/1/71	
Nilsen, Reidar B.	546-10-9231	4/1/71	
Noble, Elwood	565-03-0071	4/1/71	
Peterson, Robert S.	059-03-8706	7/1/71	
* Phillips, Paul R.	532-14-1406	9/30/71	
Roehen, Ernst K.	551-26-8891	6/30/71	
Simonsen, P. C.	438-14-7067	9/30/70	
* Tenlen, Alf. H.	532-28-9051	9/30/71	
Trauger, Earl L.	434-12-4555	7/1/71	
Travis, Paul	126-18-5425	1/1/71	
Webb, Robert F.	542-09-3472	4/1/71	
Wold, Odd A.	326-09-0371	6/30/71	

BEST COPY AVAILABLE

DECEASED

me	Social Security No.	Date of Death
himore, Alexander	092-12-5677	8/18/71
rg, Harold N.	531-16-0340	9/19/71
ett, Daniel	552-32-3268	3/4/71
nnally, Archie	561-30-1424	11/25/71
nningham, Felix	555-18-9008	7/22/71
oyland, Martin	553-20-5993	7/21/71
eenup, E. W.	551-26-9464	4/13/71
rris, John W.	545-18-6342	8/14/71
llert, Walter	567-07-1299	4/22/71
rgensen, K. H.	567-22-1082	5/15/71
turnus, Lewis	535-32-4560	2/25/71
Larin, L.	264-09-6779	8/20/71
elsen, Henry J.	571-03-8639	5/14/71
rkins, B. M.	556-16-9135	6/17/71
ole, Thomas J.	537-01-2880	11/17/71
oll, John F.	559-22-7358	2/7/71
omas, Samuel M.	537-05-5394	5/17/71
oin, Ray R.	534-14-5234	7/6/71
lliams, Ralph D.	541-26-1662	1/24/71
ngler, Rolf L.	556-26-1227	2/19/71

SUSPENDED FOR NON-PAYMENT OF DUES

		Name	Social Security No.
ler, Gerrold	567-50-8252	Gannon, John R.	461-18-3065
p, Walter E.	565-22-3353	Gibby, Melvin	260-70-0425
nke, Elmer A.	564-34-8123	Gilliland, Sam	300-09-3408
nks, David	551-26-1121	Golden, Billy D.	426-26-5651
ckett, Peter	546-36-1037	Green, John C.	552-30-6742
kney, Donald	558-12-1098	Hackney, Wm.	002-22-5140
sselievre, Wm.	111-05-6048	Hackworth, Doyle	445-22-0693
ggs, Donald	537-14-9406	Herr, Loren	534-24-5463
eeker, Gerald	558-24-0874	Hoare, Hayden	569-34-8559
ulay, A.	551-24-3808	Hoffman, Jr., Edward	569-56-7354
auns, Peter	563-58-8226	Jones, Ray	528-22-4749
ck, Donald E.	560-32-2239	Kalustian, Sarkis	566-26-2397
ffington, John	540-46-6075	Kody, Errol	573-72-0790
ya, Douglas	473-56-7568	Lucero, Benito	554-01-7606
veland, Richard	013-26-9624	Lucy, Roscoe	066-05-6538
per, Louis	700-14-5335	Mann, Darrell	531-14-0584
oks, Guyron	561-44-8294	Masterson, Jr., Alvin	545-22-8985
nningham, Robert	538-18-7160	Metcalfe, Frank H.	538-01-5089
ley, Frank	070-22-6079	Moore, Steven D.	546-74-2753
aver, Hubert	543-14-8954	Morgan, Terence W.	560-64-6618
nham, John	555-28-2199	Mortenson, Dennis D.	535-26-5766
smond, Peter	547-76-0882	Murray, William	551-26-0883
n, Milton	565-26-6738	Muuse, Wm.	141-12-3296
eland, Robert	480-16-7004	Patasino, Lawrence	018-36-7269
rguson, Robert	515-28-6697	Peters, Charles B.	415-36-9113
rris, Harold B.	553-20-5779	Poage, David M.	382-42-6226
ley, John M.	562-56-9057	Rogers, Jr., Robert G.	560-24-1844
ey, John R.	560-36-8165	Sander, Steve	517-38-0395
ner, Danny L.	282-34-0870		

(SAN FRANCISCO SUSPENSIONS CONTINUED NEXT PAGE)

SUSPENDED FOR NON-PAYMENT OF DUES (continued)

Name	Social Security No.
Sheppard, Jack O.	534-10-5987
Snell, William C.	562-26-6553
Stangland, Jens M.	553-20-3804
Sturges, George M.	252-16-3360
Taylor, Donald H.	567-09-3799
Thingbo, Johan	552-62-8823
Thomas, Franklin R.	536-14-4976
Weaver, Gary A.	531-32-7235
Welch, Jr., John C.	567-24-6903
Wilhelm, Jr., PercyL	266-227325

DUPLICATE LISTING - COUNT ONE BALLOT ONLY

Tedder, Samuel F.
Tedder, Samuel L.

TRANSFERS

		Transferred to:	Effective Date
Coyne, John M.	548-52-7918	On Local 30 list	2/22/71
Jacobson, John	539-20-9299	Inland-#6	9/24/71
Trotter, Edgar L.	449-28-8929	Inland-#6	9/24/71

Lowen #9 & #11

MEMORANDUM

833a

August 7, 1974

FROM: RJ

TO: MS and file

RE: HODGSON v. IOMM&P - Copies of all correspondence between Am. Arbitration Assoc. and IOMM&P [Lowen's deposition]

- -

8/12/71 Letter from Lowen to AAA [Mrs. Carlson] authorizing the conduct of ballot re: referendum on constitutional amendments.

8/17/71 Letter from Tannenbaum of AAA to MS enclosing two sample letters of authorization.

8/17/71 Letter from Lowen to AAA [Mrs. C] re: Offshore Division mailing list.

8/18/71 Letter from Lowen to AAA [Mrs. C.] re: Pilot locals' mailing lists.

8/18/71 Letter from Lowen to AAA [Mrs. C.] re: Inland locals' mailing lists.

8/19/71 Letter from Lowen to AAA [Mrs. C.] re: Inland local number 18.

8/19/71 Letter from Lowen to AAA [Mrs. C.] re: Norfolk pilots' list.

8/19/71 Letter from Lowen to AAA [Mrs. C.] re: list for the Houston pilots.

8/23/71 Letter from Lowen to AAA [Mrs. C.] re: eligible voters for Inland local 40.

8/24/71 Letter from V. Bergera to AAA [Mrs. C.] re: enclosures of following -

a) Aug. 10, 1971 letter from F.T. Scavo to Lowen re: Koonce

b) Aug. 12, 1971 letter from F.T. Scavo to Int'l Ballot Comm. re: Victor Soto's letter enclosed:

(1) Letter Aug. 6, 1971 from Victor Soto to F.T. Scavo

c) Aug. 13, 1971 letter from L. Sheldon to T. O'Callaghan (TOC)

d) Aug. 13, 1971 letter from Scavo to IBC re: enclosed letters -

(1) letter Aug. 12, 1971 from W. Sorrintino to F.T. Scavo

(2) letter Aug. 12, 1971 from H.L. Nereaux to F.T. Scavo

e) Aug. 14, 1971 letter from Amos Koonce to TOC

f) Aug. 18, 1971 letter from N.L. LaRocca to IBC

g) Aug. 18,1971 letter from Scavo to IBC re: enclosed letter -

(1) letter Aug. 13, 1971 from L. A. Burlingame to Scavo

8/24/71 Letter from Lowen to AAA [Mrs. C.] re: mailing lists' authenticity.

8/24/71 Letter from Lowen to AAA [Mrs. C.] re: authorization for the conducting of the officers election.

8/24/71 Letter from Lowen to AAA [Mrs. C.] re: late arrived lists of AMW #17 and Inland Local #27.

8/26/71 Letter from R.J. Polachek to AAA [Mrs. C.] re: authorization for the AAA to administer constitutional amandments ballot.

8/26/71 Letter from Lowen to AAA [Mrs. C.] re: enclosed lists and letters.

8/26/71 Letter from Lowen to AAA [Mrs. C.] re: page 3 of Local 22 Pilots mailing list.

8/27/71 Letter from AAA [Tannenbaum] to V. Watson re: returned ballot envelopes.

8/27/71 Letter from AAA [Mrs. C] to Lowen re: receipt of letters authorizing AAA to conduct both elections

8/30/71 Letter from AAA [Tannenbaum] to MM&P re: mailing of ballot to IOMM&P office by mistake.

8/31/71 Letter from AAA [Patricia Leptak] to V. Watson re: enclosed list of those not eligible to vote.

9/1/71 Letter from Lowen to AAA [Mrs. C.] re: lists of mailing services available to Offshore Division candidates.

9/1/71 ✓

9/2/71 Letter from Lowen to AAA [Mrs. C.] re: names of candidates for Int'l and Pilots Division offices.

9/2/71 Letter from R.H. Nelson to AAA re: certification of Capt. Eisenhauer to act on behalf of IBC for elections.

9/2/71 Letter from AAA [Tannenbaum] to V. Watson re: returned ballot envelopes.

835a

9/3/71 Letter from Lowen to AAA [Mrs. C.] re: Pilots Division list for the distribution of campaign literature.

9/7/71 Letter from Lowen to AAA [Mrs. C.] re: corrected addresses on returned ballot envelopes.

9/7/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -

a) Sept. 4, 1971 letter from F.E. Smith to Lowen re: Capt. A. Clark Hare

9/8/71 Letter from Lowen to AAA [Tannenbaum] re: cost of mailing lables.

9/10/71 Letter from Lowen to AAA [Mrs. C.] re: AMW #17 and the Pilots Division.

9/15/71 Letter from Lowen to AAA [Mrs. C.] re: updating of lists.

9/20/71 Letter from Lowen to AAA [Mrs. C.] re: updated addresses on returned ballot envelopes.

9/20/71 Letter from Lowen to AAA [Mrs. C.] re: copy of returned ballot envelopes.

9/21/71 Letter from TOC to AAA [Mrs. C.] re: authorizing the mailing out of the election ballots.

9/21/71 Letter from TOC to AAA [Mrs. C.] re: authorizing the release of the membership list to the AAA in San Francisco for use in the run-off election.

9/23/71 Letter from Lowen to AAA [Mrs. C.] re: Robert L. Clark.

9/23/71 Letter from Lowen to AAA [Mrs. C.] re: additions to Local #18 (Inland) mailing list.

9/30/71 Letter from AAA [Earl N. Helfand] to IOMM&P re:enclosed certification of results.

10/14/71 Letter from Lowen to AAA [Mrs. C.] re: sending ballots to additional Pilots Local #100 members.

11/9/71 Letter from AAA [Mrs. C.] to MS re: mailing of Sheldon's campaign literature.

11/11/71 Letter from Lowen to AAA [Mrs. C.] re: $10,000 payment.

11/16/71 Letter from Lowen to AAA [Mrs. C.] re: "NO PORT" list.

11/17/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -

a) Nov. 10,1971 letter from Capt. Stanley to Harry Siedman re: D.S. Goddard/McKeithen Gillett.

11/17/71 Letter from Lowen to AAA [Mrs. C.] re: list of 12 names for the Norfolk membership list.

11/17/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -

a) Nov. 15, 1971 letter from C.M. Snow to Harry Siedman

11/18/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -
a) Nov. 17, 1971 letter from C.M. Snow to Lowen

11/18/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -

a) Nov. 17,1971 letter from C.M. Snow to Lowen re: T.F. Parker

11/22/71 Letter from Lowen to AAA [Mrs. C.] re: enclosed list (SPND).

11/22/71 Letter from Lowen to AAA [Mrs. C.] re: new members of Inland Local 30 on enclosed list.

11/22/71 Letter from Lowen to AAA [Mrs. C.] re: members to receive ballots - list of exclusions.

11/23/71 Letter from Lowen to AAA [Mrs. C.] re: enclosed list of new members of Locals 6, 17, 18 and 40 (Inland).

12/1/71 Letter from Lowen to AAA [Mrs. C.] re: Sheldon and Soto Local 47 challenge. Enclosure -

a) Dec. 1, 1971 extract from minutes of IBC

b) Nov. 19, 1971 letter from Victor Soto to IBC re: Local 47 challenge

c) Nov. 17, 1971 letter to IBC from Capt. Sheldon re: Local 47 challenge

12/6/71 Letter from AAA [Mrs. C.] to Lowen re: certification of results of referendum ballot.

12/9/71 Letter from Lowen to AAA [Mrs. C.] re: additional names for Local # 100 (Pilots) list.

12/15/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -

a) Dec. 13, 1971 letter from C.M. Snow to Lowen re: Local 14 (Inland) changes

b) Dec. 13, 1971 letter from P.L. Mitchell to Lowen re: Local #4 (Inland) changes

12/16/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -

a) Dec. 10,1971 letter from Lowen to all Inland, Pilot and AMW offices re: Local #89 Bar Pilots

b) Dec. 13, 1971 letter from John Wiek to Lowen re: Local #17 changes

12/17/71 Letter from AAA [Mrs. C.] to all candidates re: counting of ballots on Dec. 22, 1971.

12/20/71 Letter from Lowen to AAA [Mrs. C.] re: "NO PORT" list.

12/20/71 Letter from Lowen to AAA [Mrs. C.] re: enclosure -

a) Dec. 15, 1971 letter from Allen C. Scott to Lowen re: new members of AMW Local #8- enclosed list

12/21/71 Letter from TOC and Lowen to IBC and AAA [Mrs. C.] re: authorization to open ballot safe deposit box.

12/21/71 Letter from TOC to AAA [Mrs. C.] re: authorization of M. Weinstein to act as TOC's representative at the counting of the ballots.

2/7/72 Letter from Lowen to AAA [Mrs. C.] re: Pete Sundnes.

2/18/72 Letter from Lester B. Wolff [AAA] to Lowen re: enclosure -

a) Feb. 15, 1971 letter from American Bank and Trust Co. to Lester Wolff re: tape total discrepancy

4/18/72 Letter from Lowen to all IBC members and candidates in run off election in San Francisco, Seattle, Portland and Wilmington. CC: AAA [Mrs. Carlson].

4/25/72 Letter from TOC and Lowen to IBC and AAA [Mrs. C.] re: authorization to open safe deposit box for run off election ballots.

7/12/72 Statement from AAA to Lowen and IOMM&P for services rendered in connection with the referendum.

— ACTUAL COPIES IN ATTACHED FILE.

International Election Expenses

Number	Paid to	Check #	Amount	Date
1	Wirthstrawler Son, Inc	13804	319882	August 31, 1971
2	Normandie Press	13854	35310	Sept 14, 1971
3	Kingsway Limousine Serv	13855	2730	Sept 14, 1971
4	Professional Reporting Serv	13891	22265	Sept 22, 1971
5	Professional Reporting Serv	13910	3865	Sept 27, 1971
6	Professional Courtroom Serv	13903	7745	Sept 24 1971
7	Ace Advertising Service	13954	908549	Oct 7, 1971
8	Ace Advertising Services	13982	359292	Oct 14, 1971
9	Normandie Press	14000	139100	Oct 19, 1971
10	Wirthstrawler Son	13927	144976	Oct 1, 1971
11	Wirthstrawler Son	14023	66-	Oct 27, 1971
12	American Arbitration Ass	14073	10000-	Nov 11, 1971
13	Duplex Products Inc	14133	3763	Dec 1 1971
14	Schumans Press Inc	14155	94580	Dec 9, 1971
15	Jerome B Capp	14202	4286	Dec 22, 1971
16	Jerome B Capp	14211	90-	Dec 31, 1971
17	Lester Reynolds	14223	63780	Dec 31, 1971
18	Joe Valensi	14221	07850	Dec 31, 1971
19	Wirthstrawler Son	2897	110307	March 15, 1972
20	R H Nelson	439	170-	Sept 3, 1971
21	R H Nelson	586	400-	Dec 17, 1971
22	Robert H Nelson	598	412-	Dec 29, 1971
23	Robert H Nelson	619	199-	Jan 10, 1972
24	Michael Amber	0788	210-	July 16, 1971
25	Lamar McLarin	0789	200-	July 16, 1971
26	Leif Hansen	0785	40820	July 16, 1971
27	John D Pierson	0784	38370	July 16, 1971
28	John P Morgan	0787	33210	July 16, 1971
29	Price Mitchell	452	28620	Dec 28, 1971
30	Price L Mitchell	335	42606	Sept 10, 1971
31	Frank Soileau	251	8220	July 14, 1971
32	Tony M Hernandez	252	6320	July 14, 1971
33	Elwood Wilcox	253	7160	July 14, 1971
34	John J Handley	312	53-	July 14, 1971
35	Stat-Tab Data Service	13717	91553	Aug 30 1971
36	Hotel Lelson	14222	41310	2/5/72
	TOTAL TO DATE AS OF 3/15/72		4191100	

INTERNATIONAL ELECTIONS

No.	Paid To	Check No.	Amount	Date
1.	United Airlines	14603	$ 144.00	5/11/72
2.	John Valensi	14605	794.00	5/19/72
3.	Marvin Schwartz	14721	35.00	6/13/72
4.	Attorneys Press Inc.	14872	368.89	8/15/72
5.	Marvin Schwartz	14896	1,314.16	8/25/72
6.	Paul Fromm Dept.of Labor	14931	355.40	9/6/72
7.	Price, Waterhouse	15099	561.75	11/15/72
8.	Waldmon & Waldmon	15207	2,500.00	12/28/72
		TOTAL	$6,073.20	

Minutes of the Meetings of the

International Ballot Committee for the

1971 Election of International, Offshore Division

and Pilots Division Officers

I The meeting was called to order by Chairman Nelson at 1010 hours on Monday, August 30, 1971 at the offices of the International Organization.

Present were the following Committee members: R. Nelson-Chairman, J. Valensi-Secretary, P. Mitchell, L. Reynolds, and G. Eisenhaur.

Also present were M. Schwartz, International Counsel, J. Harold, J. Gaier, F. Scavo and K. Camisa.

II The Committee reviewed a request by Brother Amos Koonce, who had accepted nomination for both a paid Offshore Division office and a paid International office, that his name be withdrawn from the Offshore (Port of New York) ballot. Mr. Harold who served as Counsel to former Local 88 reported to the Committee on the past practice of local Ballot committees in removing a candidate's name from the ballot. It was noted that Mr. Koonce, his attorney and other candidates for office were waiting at the offices of the American Arbitration Association to present their case. Consequently, action on the request was delayed until the Committee could hear from the applicant.

III The committee also reviewed a request that membership lists be given to the candidates. Information concerning the past practice of former Local 88 was offered by Mr. Harold and Captains Gaier and Scavo. It was agreed to delay action on these requests until the applicants made their presentations.

IV It was observed that once the technical aspects of preparing the ballots were solved, the ballots should be printed and distributed without great delay. Motion was made, seconded and adopted to use the printer which printed the ballots for Constitutional amendments, Wirth-Strahler & Son, Inc., for the ballots for officers.

V The Ballot Committee recessed for lunch at 1140 hours.

VI The meeting was reconvened at 1340 hours in the offices of the American Arbitration Association, 140 West 51st Street, New York City. Present were all the members of the Committee, M. Schwartz, International Counsel; Mrs. M. Carlson and Mr. S. Tannenbaum (American Arbitration Association); Messrs. A. Koonce, L. Burlingame, V. Soto, H. Nereaux, L. Sheldon and their Counsel B. Hall; and Messrs. M. Weinstein, J. Gaier, F. Scavo and K. Camisa (Organization observers.)

VI The Committee heard the objection of Mr. V. Soto that the American Arbitration Association is conducting the election. In executive session, motion was made, seconded and adopted to confirm the Convention action selecting the A.A.A. to conduct the election.

VII The Ballot Committee then listened to the appeal of Mr. A. Koonce and the circumstances in his case. He reiterated his request to be withdrawn from the Offshore (Port of New York) ballot for the office of Executive Assistant Port Agent and made a new request that he be withdrawn as a candidate for Convention Delegate. In executive session motion was made, seconded and adopted to include Mr. Koonce on the International ballot and to remove his name from the Offshore (Port of New York) ballot as a candidate for Executive Assistant Port Agent.

VIII Mr. Hall, on behalf of his clients Burlingame, Soto, Nereaux, Sorrentino, Morales, Clifford, Hemming and Seybert, requested that a copy of the mailing list of former Local 88 (now Port of New York) be given to any candidate who desired it. In executive session motion was made, seconded and adopted that no candidate be given a copy of the mailing list of members, which would violate the confidential nature of Union records. However, each candidate would have the opportunity to inspect the list, as permitted by law, and each candidate would be able to have equal opportunity to mail campaign literature to members appearing on the list.

XI Mr. Eric Schmertz of the American Arbitration Association joined

the meeting at 1700 hours. After considerable discussion of various actions taken earlier by the International Ballot Committee it was agreed to recess the meeting. The meeting was recessed at 1740 hours.

* * * * * * *

X The meeting was reconvened by Chairman Nelson at the offices of the International at 1045 hours on Tuesday, August 31, 1971

Present were the following Committee members: R. Nelson, J. Valensi, P. Mitchell, L. Reynolds and G. Eisenhaur. Also present were M. Schwartz, International Counsel and K. Camisa.

XI After further discussion of the request of Mr. A. Koonce motion was made, seconded and adopted to accept his most recent request that his name be withdrawn from the ballot as a candidate for Convention Delegate.

XII The meeting was recessed for lunch at 1200 hours.

XIII The Committee reconvened at 1330 hours. A telegram from Brother E. Bissonnette requesting that he be placed on the Offshore (Port of Providence) Ballot, was received and read. Since Mr. Bissonnette indicated that he would be in New York on August 31, 1971

the Committee decided to delay action until he arrived and explained his case.

XIV Mrs. Carlson and Mr. Tannenbaum of the American Arbitration Association joined the meeting at 1525 hours. There was a discussion of the use of mailing services for the distribution of campaign literature by candidates. It was decided that the confidential nature of the Union's address list could not be protected if the lists were available to numerous commercial mailing services. Also, costs to the candidates could vary significantly from one city to another. Motion was made, seconded and adopted to use the American Arbitration Association as the independent mailing service for the distribution of campaign literature. A further motion was made, seconded and adopted that the AAA promptly notify each candidate for office of the procedures, cost and other necessary information for the mailing of literature and that each candidate be given an opportunity to mail literature prior to the mailing of ballots.

XV The Committee reviewed past practice in the issuance of duplicate ballots. Motion was made, seconded and adopted that "Duplicate Ballot Request" postal cards be printed and distributed to all port offices. The American Arbitration Association will receive the request, check the individual's status and take the appropriate actions.

XVI In preparing the ballots various methods of determining the order in which candidates appear, were reviewed. It was agreed that the most democratic, impartial system would be to "draw" ballot positions from a box. Mrs. Carlson with the assistance of Mr. Tannenbaum of the American Arbitration Association then proceeded to draw ballot positions for the various offices from a box. The order in which the names are to appear in top - to - bottom, or left - to - right where such applies, fashion is:

International Offices

President:	R.B. Wright	L.W. Sheldon	T.F. O'Callaghan
Executive Vice-President:	G. Vance	W. M. Caldwell	A.E. Koonce
Secretary-Treasurer:	R.J. Lowen	G. H. Balser	C.O. Norstrand

Pilots Division Offices

D.S. Grant
F.E. Smith

G.I. Smith
J.J. Bryant

L.E. Miller
R.E. Walton

F.E. Smith
W.J. Daniels
L.E. Miller

Offshore Division Offices

Port of San Francisco

H. Friedman
J. Ofelt
O.A. Larson

G.M. Tuttle
R.M. Olson
G. Bomareto
R.A. Wood
V.G. Valentine

G.A. Perry
L.M. Martin

D.F. York
E.M. Caldwell
M.R. Armbrust

M. Kay
H.E. Mannering
A.E.J. Duggan
W.C. Jackson

Port of Seattle

A.E. Pierce
F.R. Cain
F. Dente
R.J. Soriano
J.N. Haverfield

Port of Portland

C.W. Wallace
G. Folden
M.B. Shuman
D.C. Dunn
R.E. Perry
A.G. Morriss
N. Ralph

847a

Port of Wilmington

E.L. Wheeler
F. Burke
R.T. Bara
H.C. Walther
G.M. Duggan
T.G. Anderson

R. Edmonds
N. Barbara
R.A. Lindsay
A.J. Maehl
W.H. Abbey
W. Morel
F.L.Allen
J. Haring
J.L Sawyer

Convention Delegates - All West Coast Ports

R.J. Soriano
R.A. Lindsay
A. Pleshe
F.L Allen
W.M. Caldwell
E.L. Wheeler
T.K. Earle
R.T. Bara
H.C. Walther
V.G. Valentine
C.W. Wallace
J.H. Magnusson
F. Dente
J.N. Haverfield
M. Kay
G. Charlot
H. Friedman
M.B. Shuman
W.H. Abbey
W. Morel
E.M. Caldwell

848a

Port of New Orleans

N.L. LaRocca
H.M. Stegall

C.F. Coyle
R.M. Casselberry

C.F. Coyle
J. Morales
R.M. Casselberry

H.J. Landry
A. Reid
M.E. Pscenicka
H.M. Stegall

Port of Baltimore

J.R. Silver
J.Q. Conrad

Port of Savannah

H.H. Williams
A.H. Williams

Convention Delegate - Ports of Baltimore, Philadelphia, Norfolk, Charleston, Savannah

T.F. O'Callaghan
J.R. Silver
J.J. Handley
W.K. Beach
H.H. Williams

849a

Port of New York

C.A. Hemming
J.B. Gaier

F.T. Scavo
J.J. Clifford

L.A. Burlingame
R.J. Polachek

K.E. Fowler
J.C. White
E.K. Swanson
H. Nereaux
V. Soto
W.R. Sorrentino
J.A. Moralis
R.K.E. Lehmann
J.R. Seybert
J.E. Corneille
J.T. Brady
E.J. Hendry
F.W. Carey

L.A. Burlingame
V. Soto
H. Nereaux
J.C. White
R.J. Polachek
J.E. Corneille
E.J. Hendry
J.J. Clifford
F.T. Scavo
W.R. Sorrentino
C.A. Hemming

Port of Providence

J.F. Beirne
M.A. Andrews
G.H. Bassett

Port of Galveston

R.L. Jones
A.N. Gordon

Port of Houston

R.H. McLaurin
R.N. Polumbo
P. Wilkins

T.D. Neuman
R.C. Chamberlin

Port of Port Arthur

P.J. Doherty
J.R. Giblin
W.B. McNeal

Convention Delegates - Ports of Galveston, Houston, Port Arthur

C.D. Connally
J.R. Giblin
T.D. Neumann
F.V. Beechinor
R.N. Polumbo
T.J. Teddlie

Port of Tampa

J.S. Purdy
J.A. Stanley
J.R. Holland
G.F. Clarke

Convention Delegate - Ports of Mobile and Tampa

J.S. Purdy
J.A. Stanley
W.J. Anderson
G.E. Odom

Port of Jacksonville

R. MacAlvanah
A.C. Scott

Port of Hollywood

J.T. Russell
J.W. Brown
G.J. Hatch
A.J. Murphy

Alternate Convention Delegate - Ports of Jacksonville, Hollywood

F. Hefner
J. Spiegel

Port of Boston

G.E. Landrigan
P.J. Connolly
P.J. King

W.H. Doherty
P.J. King
P.J. Connolly
F.C. Flaherty

XVII At 1710 hours the representative from the printer, H. Strahler, was invited to join the meeting to discuss the preparation of the ballots. After much discussion motion was made seconded and adopted that the ballots be prepared for the election as follows:

Members only voting for International Officers

a) Ballots and envelopes to be salmon colored.

b) Ballot will have instructions on tear-off sheet.

c) Return envelopes will be numbered for control purposes.

Members voting for International and Pilots Division Officers

a) Ballots and envelopes to be green colored.

b) Ballot will have instructions on tear-off sheet, International Officers' ballot on right side of inside fold, Pilot Division ballot on back.

c) Return envelopes will be numbered for control purposes.

Members voting for International and Offshore Division Officers

a) Ballots and envelopes to be grey colored.

b) Ballots will have instructions on tear-off sheet, International Officers' ballot on right side of inside fold, and the ballot for each individual Offshore Division port will be printed on the back.

c) Return envelopes will be numbered for control purposes.

It was further moved, seconded and adopted that for even greater security of the ballots the AAA watermark be imprinted on the right side of the inside fold of every ballot and the AAA would use its mail "date-time, receipt" machine on each ballot.

XVIII The meeting was recessed at 1825 hours.

* * *

XIX Chairman Nelson reconvened the meeting at the offices of the International at 1005 hours on Wednesday, September 1, 1971, with all Ballot Committee members present.

Various aspects of the election were discussed.

XX Mr. Tannenbaum of the American Arbitration Association joined the meeting at 1015 hours and brought with him the mailing list of eligible voters provided by the Organization. The Committee went over the listing carefully, advising which ballot is to be mailed to each group of members. It was noted that lists were provided for all subordinate bodies entitled to receive ballots. Mr. Tannenbaum reported that arrangements had been completed for the security of the ballots after they are returned, and prior to the counting. The return envelope will be addressed to the American Arbitration Association, c/o Safe Deposit Vault, American Trust Company. The ballots will remain in the vault until

until the International Ballot Committee and the American Arbitration Association empowered by the appropriate order, request all the ballots cast at the end of the balloting period. 853a

XXI The meeting was recessed for lunch at 1155 hours.

XXII The meeting was reconvened at 1400 hours. The Committee received a letter from Brother Milton A. Andrews, a candidate for Port Agent and Convention delegate in the Port of Providence, requesting that his name be withdrawn from the ballot. After discussion motion was made, seconded and adopted removing the name of Milton A. Andrews from the Offshore Division ballot in the Port of Providence. The ballot position of the remaining candidates are to be adjusted appropriately.

It was noted that no further communication has been received as yet from the other applicant from the Port of Providence, Mr. Elphege Bissonette.

XXIII Turning again to the matter of distribution of campaign literature, the Committee made a request to the International Office that a number of copies of the mailing list of members (in label form) be prepared and sent to the American Arbitration Association to prevent any delay in the mailing of literature.

XXIV Chairman Nelson recessed the meeting at 1800 hours.

* * *

XXV The meeting was called to order on Thursday, ~~August~~ September 2, 1971 at 0930 hours in the offices of the International Organization. Brothers Nelson, Valensi and Eisenhour were present and

Brothers Reynolds and Mitchell had departed to their home ports.

VI The Committee discussed the procedures which might be followed if a member wished to change his selection after marking a ballot, or if a ballot was accidently marked or mutilated. A motion was made, seconded and adopted to require a member to return his original ballot with a request for a duplicate, if the original becomes torn, marked, etc.

VII The Ballot Committee then reviewed all the documents and procedures which it had acted upon and all requirements of the International Constitution. It was agreed that all necessary actions had been taken or plans had been made to act later.

III The Committee noted that Mr. E. Bissonette has not appeared before the Committee, as he indicated in his telegram, and no telephone calls or other communication has been received. After reviewing all the facts in his case motion was made, seconded and adopted that Mr. Elphege Bissonette not be added to the ballot for the Port of Providence.

X There being no further business to be acted upon by the International Ballot Committee the meeting was adjourned at 1225 hours.

R. Nelson, Chairman

J. Valensi, Secretary

855a

The meeting was called to order by Chairman Nelson at 0930 hours on December 21, 1971, at the offices of the American Arbitration Association. All International Ballot Committee members were present. Also present were Margaret Carlson, K. Camisa, M. Schwartz, B. Hall, H. Nereaux, A. Holdeman, L. Sheldon, A. Koontz, R. Polachek, R. Lowen, L. Burlingame, C. Hemming.

Bros. Nereaux, Holdeman, Sheldon, Koontz, Burlingame and Hemming made a number of objections to the entire election. These objections were made orally and in writing by them personally and also by their attorney. A verbatim record by a stenotype reporter was made of the oral objections and all of the written objections were received and marked as exhibits.

At approximately 1030 hours, Chairman Nelson stated that the Committee would go into executive session to consider the various objections and would meet with everyone again at 1500 hours.

At approximately 1500 hours, Chairman Nelson again called the meeting to order and all persons were present, and the verbatim record was continued. Chairman Nelson announced that the Committee had unanimously decided to proceed with the balloting for the election of the International, Offshore Division and Pilots Division officers and that it would commence at 0900 hours on the following day at the offices of the American Arbitration Association.

856a

On December 22, 1971, Chairman Nelson called the meeting to order at 1540 hours at the offices of the American Arbitration Association. All International Ballot Committee members were present. Also present were K. Camisa, M. Schwartz, F. Scavo, H. Nereaux, J. Gaier, M. Weinstein, R. Polachek, A. Holdeman, J. Moralis, G. Landrigan, A. Koonce, R. Lowen, J. Bryant, C. Hemming, V. Soto and L. Sheldon.

Bros. Sheldon, Hemming, Koonce, Gaier, Scavo, Polachek and Soto objected to the counting of ballots that were not postmarked. Bros. Nereaux and Moralis argued that such ballots should be counted. Chairman Nelson observed that on the previous day the attorney for Bros. Nereaux and Moralis had argued strenuously that they also objected to the counting of such ballots and that one of the written objections submitted by Bro. Nereaux was against counting such ballots.

The Committee then went into Executive session and reconvened at approximately 1615 hours at which time Chairman Nelson announced that the Committee had unanimously decided against counting ballots that were not postmarked.

The following day at approximately 1230 hours, the Committee met at the International office and decided to proceed with the announcement of the results of the election as tabulated by the American Arbitration Association.

857a

The Committee also discussed arrangements for the prompt commencement of the run-off elections for various West Coast Offshore Division candidates.

At approximately 1400 hours, Chairman Nelson recessed the meeting until January 5, 1972.

On January 5, 1972, Chairman Nelson again called the Ballot Committee meeting to order at 1130 hours at the offices of the American Arbitration Association. All International Ballot Committee members, except P. L. Mitchell, were present. Also present were Margaret Carlson, K. Camisa, M. Schwartz, R. Lowen, R. Polachek and F. Scavo. The purpose of the meeting was to review the uncounted ballots. The boxes holding these uncounted ballots had been sealed by the American Arbitration Association and the Ballot Committee decided to wait for some of the other candidates who had made protests.

M. Schwartz was instructed to call B. Hall who advised his clients would arrive shortly. After about two hours, both C. Hemming and L. Sheldon were present and the uncounted ballot boxes were opened and the American Arbitration Association, the Ballot Committee and the candidates proceeded, for the rest of the afternoon, to review the various challenges and to count certain additional ballots.

858a

The meeting was called to order by Chairman Nelson at 1030 hours on January 6, 1972 at the offices of the International. Bros. Eisenhauer, Reynolds and Valensi were present. Also present was International Counsel.

The Committee went into Executive session. The Ballot Committee read the transcript of the December 21st meeting and all of the exhibits. International Counsel reviewed each of the exhibits for the Ballot Committee. Mail addressed to the Committee by C. Hemming and B. Hall, sent after the ballots were counted, was also reviewed. Also reviewed was written material submitted last evening by L. Sheldon. International Counsel was then excused and the Committee continued to review the objections. The Ballot Committee then voted unanimously to deny all objections except for those previously allowed in the minutes.

Finally, the Committee voted unanimously to certify that the election was conducted in accordance with the International Constitution.

At approximately 1230 hours, Chairman Nelson advised the American Arbitration Association of the Ballot Committee's action and requested certification of the election results as quickly as possible.

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At 1500 hours the Ballot Committe proceeded to the American Arbitration Association to prepare run-off ballot for the various West Coast Offshore Division candidates.

R. Nelson, Chairman

J. Valensi, Secretary

MINUTES OF THE MEETING OF THE INTERNATIONAL BALLOT COMMITTEE, INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, FOR THE 1971 ELECTION OF INTERNATIONAL, OFFSHORE DIVISION, AND PILOTS DIVISION OFFICERS

The meeting was called to order at 10:30 A. M., on Tuesday, April 25, 1972, at the office of the International Organization of Masters, Mates and Pilots, 39 Broadway, New York City. Present were the following Ballot Committee members: J. Valensi, L. Reynolds, and George Eisenhauer. Quorum noted. R. Nelson and P. Mitchell were unable to attend.

In view of Chairman Nelson's absence, the members of the Committee who were present, elected J. Valensi to be Acting Chairman, and George Eisenhauer, Acting Secretary.

Also present were Robert J. Lowen; Mrs. Margaret U. Carlson, Election Supervisor of American Arbitration Association; Burton M. Epstein, Assistant IOMM&P International Counsel; Lloyd W. Sheldon and Henry Nereaux.

The Committee was meeting in connection with the run-off election for Offshore Division Officers for the Ports of San Francisco, Seattle, Portland, and Wilmington (Calif.).

Acting Chairman Valensi was presented by Captain Sheldon with a handwritten letter, dated April 21, 1972, from Florin Dente, candidate for Seattle Port Agent, as well as with copy of the April 18, 1972 letter sent by Captain Lowen to all candidates, with Mr. Dente's written comments on it, authorizing Bro. Sheldon to represent Mr. Dente at this meeting.

Henry Nereaux advised the Committee that he was present representing Jerome L. Sawyer, candidate for Assistant Port Agent, Wilmington (Calif.). Bro. Nereaux advised that he was expecting a telegraphic confirmation of such authority.

The Acting Chairman was presented with letters from Henry C. Walther, candidate for Wilmington (Calif.) Port Agent and George M. Tuttle, candidate for Executive Assistant Port Agent, San Francisco, authorizing Robert J. Lowen to represent each of them at the meeting.

Bro. Sheldon presented to the Committee, on behalf of Florin Dente, a letter dated April 25, 1972, containing two petitions concerning the run-off election. Attached to these minutes is copy of such letter. Bro. Nereaux, on behalf of candidate Sawyer, joined in presenting Petition #1 to the International Ballot Committee.

Bro. Sheldon addressed the Ballot Committee, elaborating on the petitions presented on behalf of candidate Dente. Bro. Nereaux similarly spoke to petition Item No. 1 on behalf of candidate Sawyer.

861a

Captain Lowen also addressed the Committee with respect to the matters brought up by Bro. Sheldon and Bro. Noreaux. Mrs. Carlson's comments were solicited by the Committee.

A discussion on the matters presented was held among the persons present.

After full discussion, and after allowing Bros. Noreaux and Sheldon full opportunity to be heard, the Committee went into Executive Session at 12:15 P. M.

The Committee reconvened at 12:23 P. M. in full session with the additional people noted previously present. The Committee advised that they would convene in Executive Session later this afternoon to consider the petitions presented and would deliver their decision at 9:00 A. M., Wednesday, April 26, 1972, at the office of the American Arbitration Association, on the 23rd floor of the Abbey Victoria Hotel, 7th Avenue and 51st Street, New York, N. Y. Those present were invited to attend at that time.

The Committee reconvened in Executive Session at 3:00 P. M., at the office of the International Organization of Masters, Mates and Pilots, 39 Broadway, New York, N. Y.

After a full and complete discussion and consideration of the petitions, the Committee denied the petions presented.

The Committee recessed at 4:05 P. M.

Acting Chairman

Acting Secretary

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862a

April 26, 1972 - The International Ballot Committee reconvened at 9:00 A. M., on April 26, 1972, at the office of the American Arbitration Association, Abbey-Victoria Hotel, 7th Avenue and 51st Street, New York City. Present were the following Ballot Committee members: J. Valensi, L. Reynolds and G. Eisenhauer. Quorum noted.

Also present were Robert J. Lowen, Mrs. Margaret U. Carlson, Burton M. Epstein, Lloyd W. Sheldon, Henry Nereaux, Richard T. Bara (candidate for Port Agent, Wilmington (Calif.).

The Ballot Committee advised Bros. Sheldon and Nereaux that, in Executive Session yesterday afternoon, they had denied their petitions presented on April 25, 1972.

Thereupon, L. Reynolds, G. Eisenhauer, R. Bara, L. Sheldon and Lester Wolfe of the American Arbitration Association, proceeded to the American Bank & Trust Company, 301 East Fordham Road, Bronx, New York, to obtain the box containing the ballots. They returned to the American Arbitration Association office at 11:15 A. M., with the ballot box and with two ballots that had not been inserted into the box by reason of their having been received after the close of the ballot period.

The box containing the ballots was opened, the ballots were counted, and arranged in numerical order.

The individual ballot envelopes were checked against the list for control numbers, and each individual ballot was checked for regularity. The following actions were taken by the Ballot Committee with respect to the ballots received:

Two (2) ballots were received by the bank after the close of ballot period. The Ballot Committee declared these ballots void.

One (1) ballot was received without a postmark on the ballot envelope and was declared void by the Committee.

Two (2) ballots were received from individuals who were ineligible to vote by reason of their having been suspended for non-payment of dues, and these ballots were declared void by the Committee.

Two (2) ballots were received with no return address data, and an additional four (4) ballots were received with no signature on the envelopes. These six (6) ballots were declared void by the Committee.

Duplicate ballots were received from one member and the Committee declared the ballot with the later postmark to be void.

Four (4) ballots were received from members to whom ballots had not been sent, whose names had not appeared on the ballot mailing list furnished the American Arbitration Association, but who obtained the ballots from the American Arbitration Association upon individual request. At 1:25 P. M., the Ballot Committee went into Executive Session to consider these four (4) ballots. The Committee decided to set aside these four (4) questionable ballots pending further investigation and a later ruling.

The Committee emerged from Executive Session at 1:30 P. M., and proceeded with the opening of the ballot envelopes and tabulation.

In the course of tabulating, the Ballot Committee went into Executive Session at 3:20 P. M. That part of one ballot relating to the election of San Francisco Dispatcher was ruled invalid by reason of marks appearing in the boxes for both candidates. The remainder of that one ballot was declared valid. Executive Session recessed at 3:25 P. M.

During the tabulation of the ballots, Bros. L. Burlingame and V. Soto appeared as observers without designation from any of the candidates.

Following tabulation for all offices, the candidate-observers were asked if they wished to have recounted the ballots for any elections other than for Executive Assistant Port Agent (San Francisco). The ballot for Executive Assistant Port Agent (San Francisco) had previously been counted three times. There was no request for any additional recounts.

The Ballot Committee advised that they would reconvene at the office of the International Organization of Masters, Mates and Pilots, 39 Broadway, New York City, at 1:00 P. M., on Thursday, April 27, 1972. Those present were invited to attend at that time.

The Committee recessed at 4:55 P. M.

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April 27, 1972 - The International Ballot Committee reconvened at 1:00 P. M., on April 27, 1972, at the office of the International Organization of Masters, Mates and Pilots, 39 Broadway, New York City. Present were the following Ballot Committee members: J. Valensi, L. Reynolds and G. Eisenhauer. Quorum noted.

The Committee went into Executive Session and ruled unanimously not to count any blank votes, and further ruled unanimously that in the run-off election, the candidate receiving the higher number of votes, if there were two (2) candidates, or the one receiving the highest number of votes, if there were three (3) candidates, would be declared elected.

The Committee also reviewed the data concerning the four (4) questionable ballots which had been set aside the previous day for further investigation and later ruling. The Committee voted to declare two (2) of the ballots void and two (2) of the ballots valid.

The Committee emerged from Executive Session at 1:20 P. M.

Also present were: R. J. Lowen, B. M. Epstein, L. W. Sheldon, and Amos Koonce (observer without designation).

The Ballot Committee announced its rulings, made in Executive Session, with regard to counting of the ballots. On behalf of Candidate Dente, Bro. Sheldon challenged only that part of the rulings which declared that the candidate receiving the highest number of votes in the run-off election for position of Port Agent (Seattle) would be declared elected.

The Committee reviewed the data presented to them with regard to the four (4) questionable ballots, and their ruling that two (2) such ballots were valid and would be counted. Bro. Sheldon raised no objection to the disqualification of the two (2) ballots and the acceptance of the remaining two (2) ballots, but challenged the counting of the two (2) ballots accepted by the Committee on the ground that to permit those ballots to be counted would destroy the sanctity of the secret ballot.

At 2:00 P. M., the Ballot Committee went into Executive Session.

At 2:15 P. M., the Committee emerged from Executive Session and advised that they had unanimously denied both challenges made by Bro. Sheldon.

The Ballot Committee advised that they would proceed to the office of the American Arbitration Association at the Abbey-Victoria Hotel, Seventh Avenue and 51st Street, New York City, to complete the tabulation with the two (2) accepted ballots.

The Committee reconvened in Executive Session at the Abbey-Victoria Hotel and modified its previous ruling with regard to the counting of the two (2) accepted ballots as follows: In view of the fact that a challenge had been made relating to the secrecy of the ballot, that the two (2) accepted ballots would only be counted for the position of Executive Assistant Port Agent (San Francisco), that being the only vote on which the two (2) accepted ballots could have an effect. The previous day's tabulation had been 719 votes for Candidate Valentine and 718 votes for Candidate Tuttle.

The Ballot Committee emerged from Executive Session and announced its modified ruling with respect to the two (2) accepted ballots. Also present at this time were R. J. Lowen, B. M. Epstein, L. W. Sheldon, Amos Koonce, H. Nereaux and V. Soto.

Bro. Sheldon challenged this ruling.

Bro. Nereaux, who had advised the Committee previously that he represented Jerome L. Sawyer, candidate for Assistant Port Agent Wilmington (Calif.), protested, on Bro. Sawyer's behalf, the counting of the two (2) additional ballots and further protested that the counting of such ballots was limited only to the position of Executive Assistant Port Agent (San Francisco).*

The Ballot Committee went into Executive Session to consider the challenges of Bros. Sheldon and Nereaux.

The Committee emerged from Executive Session and advised that the challenges of both Bro. Sheldon and Bro. Nereaux had been denied.

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* It was noted by the Committee that, at the time of its 3:40 p. m. recess this day, no written verification from Candidate Sawyer designating Bro. Nereaux to represent him, had been presented to the Committee.

The Committee prepared a letter of instruction to the American Arbitration Association with regard to the counting of the two (2) accepted ballots and the way in which such ballots were to be counted. Attached to these minutes is a copy of such letter of instruction.

The envelopes containing the two (2) accepted ballots were opened and the ballots examined and tallied in conformity with the letter of instruction. Both ballots were cast in favor of Candidate Tuttle, resulting in the following tabulation for the office of Executive Assistant Port Agent (San Francisco): Tuttle - 720 votes; Valentine - 719 votes.

The Committee advised the American Arbitration Association of its actions and requested certification of the election results as quickly as possible.

The Committee recessed at approximately 3:40 P. M. to prepare its minutes.

Joseph Valensi, Acting Chairman

George Eisenhauer, Acting Secretary